

105th Congress }  
2d Session }

COMMITTEE PRINT

{ Ser. No. 8

AUTHORIZATION OF AN INQUIRY INTO  
WHETHER GROUNDS EXIST FOR THE  
IMPEACHMENT OF WILLIAM JEFFERSON  
CLINTON, PRESIDENT OF THE UNITED  
STATES

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MEETING OF THE HOUSE COMMITTEE ON  
THE JUDICIARY HELD OCTOBER 5, 1998

PRESENTATION BY INQUIRY STAFF  
CONSIDERATION OF INQUIRY RESOLUTION  
ADOPTION OF INQUIRY PROCEDURES

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COMMITTEE ON THE JUDICIARY  
HOUSE OF REPRESENTATIVES

ONE HUNDRED FIFTH CONGRESS

HENRY J. HYDE, *Chairman*



DECEMBER 1998

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U.S. GOVERNMENT PRINTING OFFICE  
WASHINGTON : 1998

51-636

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**MONDAY, OCTOBER 5, 1998**

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON THE JUDICIARY,  
*Washington, DC.*

The committee met, pursuant to notice, at 9:30 a.m., in room 2141, Rayburn House Office Building, Hon. Henry J. Hyde (chairman of the committee) presiding.

Present: Representatives Henry J. Hyde, F. James Sensenbrenner, Jr., Bill McCollum, George W. Gekas, Howard Coble, Lamar S. Smith of Texas, Elton Gallegly, Charles T. Canady, Bob Inglis, Bob Goodlatte, Stephen E. Buyer, Ed Bryant of Tennessee, Steve Chabot, Bob Barr, William L. Jenkins, Asa Hutchinson, Edward A. Pease, Christopher B. Cannon, James E. Rogan, Lindsey O. Graham, Mary Bono, John Conyers, Jr., Barney Frank, Charles E. Schumer, Howard L. Berman, Rick Boucher, Jerrold Nadler, Robert C. Scott, Melvin L. Watt, Zoe Lofgren, Sheila Jackson Lee, Maxine Waters, Martin T. Meehan, William D. Delahunt, Robert Wexler, Steven R. Rothman, and Thomas M. Barrett.

Majority Staff Present: Thomas E. Mooney, Sr., general counsel-chief of staff; Jon W. Dudas, deputy general counsel-staff director; Diana L. Schacht, deputy staff director-chief counsel; Daniel M. Freeman, parliamentarian-counsel; Joseph H. Gibson, chief counsel; Rick Filkins, counsel; Sharee M. Freeman, counsel; John F. Mautz, IV, counsel; William Moschella, counsel; Stephen Pinkos, counsel; Sheila F. Klein, executive assistant to general counsel-chief of staff; Annelie Weber, executive assistant to deputy general counsel-staff director; Samuel F. Stratman, press secretary; James B. Farr, financial clerk; Elizabeth Singleton, legislative correspond-

ent; Sharon L. Hammersla, computer systems coordinator; Joseph McDonald, publications clerk; Shawn Friesen, staff assistant/clerk; Robert Jones, staff assistant; Michael Connolly, communications assistant; Michelle Morgan, press secretary; and Patricia Katyoka, research assistant.

Subcommittee on the Constitution Staff Present: John H. Ladd, chief counsel; and Cathleen A. Cleaver, counsel.

Subcommittee on Courts and Intellectual Property Staff Present: Mitch Glazier, chief counsel; Blaine S. Merritt, counsel; and Vince Garlock, counsel.

Subcommittee on Crime Staff Present: Paul J. McNulty, director of communications-chief counsel; Glenn R. Schmitt, counsel; Daniel J. Bryant, counsel; and Nicole R. Nason, counsel.

Subcommittee on Immigration and Claims Staff Present: George M. Fishman, chief counsel; and Laura Ann Baxter, counsel.

Majority Investigative Staff Present: David P. Schippers, chief investigative counsel; Susan Bogart, investigative counsel; Thomas M. Schippers, investigative counsel; Jeffery Pavletic, investigative counsel; Charles F. Marino, counsel; John C. Kocoras, counsel; Diana L. Woznicki, investigator; Peter J. Wacks, investigator; Albert F. Tracy, investigator; Berle S. Littmann, investigator; Nancy Ruggero-Tracy, office manager/coordinator; Patrick O'Sullivan, staff assistant; and Heather McLaughlin, staff assistant.

Minority Staff Present: Julian Epstein, minority chief counsel-staff director; Perry Apelbaum, minority general counsel; Samara T. Ryder, counsel; Brian P. Woolfolk, counsel; Robert Raben, minority counsel; Anita Johnson, executive assistant to minority chief counsel-staff director; and Dawn Burton, minority clerk.

Minority Investigative Staff Present: Abbe D. Lowell, minority chief investigative counsel; Lis W. Wiehl, investigative counsel; Deborah L. Rhode, investigative counsel; Kevin M. Simpson, investigative counsel; Steven F. Reich, investigative counsel; Sampak P. Garg, investigative counsel; Maria Reddick, minority clerk; Stephanie Peters, counsel; and David Lachmann, professional staff.

#### **OPENING STATEMENT OF HENRY J. HYDE, CHAIRMAN, COMMITTEE ON THE JUDICIARY**

Mr. HYDE. The committee will come to order. It is the intention of the Chair to conduct today's meeting in the following manner.

First, I will make opening remarks for a period not to exceed 10 minutes, and then Mr. Conyers, the ranking Democrat, will be recognized to make opening remarks for a period not to exceed 10 minutes.

After the conclusion of those two statements, each member will be recognized for 5 minutes to make an opening statement. The Chair normally likes to be liberal on the 5 minutes, but I think you can understand with all of the members here doubtless seeking to make an opening statement, we will have to be rather rigid on the 5 minutes. So I ask you to not ask for extensions of time, if possible.

Second, we will then receive a presentation from Mr. Schippers for a period not to exceed 1 hour and a presentation from Mr. Lowell for a period not to exceed 1 hour.

Thirdly, I will offer a resolution relating to the authorization of an investigation of whether the House should undertake its constitutional responsibility to impeach the President of the United States of America. At that point, members will be recognized under the 5-minute rule to offer amendments to the proposed resolution.

Fourth, I will offer proposed committee rules of procedure for the impeachment inquiry. At that point, members will be recognized under the 5-minute rule to offer amendments to the proposed rules of procedure.

I think if we respect the time constraints we have, we can finish this this evening, and we are going to make every effort to do that.

Mr. CONYERS. If the Chairman will yield, I concur with the procedure you have outlined. I think it is fair, and I think it leads to an orderly beginning of this very serious matter before us. Thank you.

Mr. HYDE. I thank my friend. The Chair recognizes himself for 10 minutes.

On September 18th, the House of Representatives passed a resolution with strong bipartisan support, 363 to 63, directing the referral from the Office of Independent Counsel to this committee with instructions that it be reviewed and released by the 28th of September, unless the committee thought certain information should be held back in the interests of privacy or to protect innocent people.

The House thus placed in our care the task of reviewing more than 60,000 pages of materials in less than three weeks and ultimately deciding what should be placed in the public domain. We have not always agreed on how to handle this information, but we have agreed on the vast majority.

I believe we can also agree that we could not have accomplished this daunting assignment if not for the tireless work of the committee staff, both Democratic and Republican, who worked day and night, sometimes around the clock, to prepare these materials for our review. These men and women rose to the occasion and our gratitude goes out to them.

On September 11th, the Office of Independent Counsel transmitted materials to the House of Representatives that in its opinion constituted substantial and credible evidence that may constitute grounds for impeachment of the President of the United States. The appointment of an independent counsel had been recommended by Attorney General Janet Reno and appointed by and served under the direction of the United States Court of Appeals. Judge Starr was selected by a three-judge panel, appointed by the Chief Justice of the U.S. Supreme Court.

Today, it is our responsibility and our constitutional duty to review those materials referred to us and recommend to the House of Representatives whether the matter merits a further inquiry. Let me be clear about this: We are not here today to decide whether or not to impeach Mr. Clinton. We are not here to pass judgment on anyone. We are here to ask and answer this one simple question: Based upon what we now know, do we have a duty to look further or to look away?

We are constantly reminded how weary America is of this whole situation, and I dare say most of us share that weariness. But we

Members of Congress took an oath that we would perform all of our constitutional duties, not just the pleasant ones. As Chairman Peter Rodino stated in 1974, "We cannot turn away out of partisanship or convenience from problems that are now our responsibility, our inescapable responsibility to consider. It would be a violation of our own public trust if we as the people's representatives chose not to inquire, not to consult, not even to deliberate, and then pretend that we had not by default made choices."

This will be an emotional process, a strenuous process, because feelings are high on all sides of this question. But the difficulties ahead can be surmounted with good will and an honest effort to do what is best for the country.

In the first year of the Republic, Thomas Payne wrote, "Those who expect to reap the blessings of freedom must, like men, undergo the fatigue of supporting it." For almost 200 years, Americans have undergone the stress of preserving their freedom and the Constitution that protects it.

We are going to work expeditiously and fairly. When we have completed our inquiry, whatever the result, we will make our recommendations to the House. We will do so as soon as we can, consistent with principles of fairness and completeness.

I anticipate several objections to our procedures from our Democratic friends, the first of which deals with their demand that we establish first, before proceeding with any inquiry, what the standards are for impeachment. We don't propose, however, to deviate from the wise counsel of former Chairman Peter Rodino, who during the Nixon impeachment inquiry published a staff report rejecting the establishment of a particular standard for impeachment before inquiring into the facts of the case.

Let me quote from Chairman Rodino's report: "Delicate issues of basic constitutional law are involved. Those issues cannot be defined in detail in advance of full investigation of the facts. The Supreme Court of the United States does not reach out in the abstract to rule on the constitutionality of statutes or of conduct. Cases must be brought and adjudicated on particular facts in terms of the Constitution. Similarly, the House does not engage in abstract advisory or hypothetical debates about the precise nature of conduct that calls for the exercise of its constitutional powers. Rather, it must await full development of the facts, an understanding of the events to which those facts relate."

The 20th century has been referred to often as the American century. It is imperative we be able to look back at this episode with dignity and pride, knowing we have performed our duties in the best interests of the entire country. In this difficult moment in our history lies the potential for our finest achievement, proof that democracy works.

I yield to the gentleman from Michigan, Mr. Conyers.

Mr. CONYERS. Thank you, Chairman Hyde.

And to my colleagues all, we meet today for only the third time in the history of our Nation to consider whether or not to open an inquiry of impeachment against the President of the United States. For more than 200 years we have been guided by that brilliant legacy of our Founding Fathers and of our Constitution which genera-



tion after generation has helped us endure the difficult political and social questions that face us.

I am quite certain that the drafters of that document might shake their heads in puzzlement at the action that is proposed by the majority that we take here today. By now we are all familiar with the constitutional standard for impeachable offenses: treason, bribery and other high crimes and misdemeanors. One of our great Founding Fathers, George Mason, said that the phrase "high crimes and misdemeanors" refers to presidential actions that are great and dangerous offenses or attempts to subvert the Constitution.

Alexander Hamilton, in the Federalist Paper Number 65, wrote that impeachable offenses relate chiefly to injuries done immediately to society itself.

Two hundred years later, this committee was called upon to consider the standard for impeachment of a President in 1974, and at the risk of dating myself, I remain the only member of the committee serving today who was there then.

Our staff issued a report in February of that year that has become a model for scholars and historians alike. The report concluded that impeachment is a constitutional remedy addressed to serious offenses against the system of government, and it is directed at constitutional wrongs that subvert the structure of government or undermine the integrity of office and even the Constitution itself.

Those words are as true today as they were in 1974. An impeachment is only for a serious abuse of official power or a serious breach of official duties. On that, the constitutional scholars are in overwhelming agreement.

The failure to even articulate a standard of impeachment against which the evidence can be measured, a step the 1974 committee took prior to any investigation, is not only a failure of this investigation into the President. The tactics of the investigation into the President have also, in my judgment, been an offense to the tradition of this great country and to the common sense of the American people.

Only yesterday we learned that Judge Starr may have himself misled the American people regarding his contacts with President Clinton's mythical adversaries and his coordination with Paula Jones' attorneys for over a year before he sought to investigate the so-called Lewinsky matter.

Then Mr. Starr, month after month, apparently leaked raw grand jury material to the press, not for legal reasons, but only to embarrass the President of the United States, an act for which Mr. Starr himself is currently being investigated.

Then the Republican leadership directed this committee to dump tens of thousands of pornographic raw grand jury material on the citizens of this land, and denied the President any semblance of due process rights in doing so.

Now, I believe the American people have a deep sense of right and wrong, of fairness and of privacy, and I believe this investigation has offended those sensibilities.

Who are we in this country and what is it that we stand for? Do we want to have prosecutors with unlimited powers, accountable to

no one, who will spend millions of dollars investigating a person's personal life, who then haul before grand juries every person of the opposite sex the person has had contact with, who then record and release videos to the public of the grand jury questioning of the most private aspects of one's sex life?

Now, there is no question that the President's actions were wrong. I submit to all of you that he may be suffering more than any of us will ever know. But I suggest to you, my colleagues across the aisle, in every ounce of friendship that I can muster, that even worse than an extramarital relationship is the use of Federal prosecutors and Federal agents to expose an extramarital relationship.

Yes, there is a threat to society here, but it is from the tactics when an at-all-cost prosecutor is determined to sink a President of the opposition party.

Our review of the evidence sent with the referral convinces many of us of one thing: There is no support for any suggestion that the President obstructed justice or that he tampered with witnesses or abused the power of his office.

A couple of examples. The referral alleges that the President attempted to find Ms. Lewinsky a job in order to buy her silence, but the evidence, the Starr evidence, makes clear that the efforts to help Ms. Lewinsky find a job began in April of 1996, long before she was ever identified as a witness in the *Jones* case. And she herself testified that "No one ever asked me to lie, and I was never promised a job for my silence."

Likewise, while the referral contends that the President tried to hide gifts he had given her, the evidence makes clear that Ms. Lewinsky and not the President initiated the transfer of those items to the President's secretary.

Finally, by alleging abuses of power by the President, the Independent Counsel has simply repackaged his basic allegation of lying about sex in a quite transparent effort to conjure the ghost of Watergate.

Finally, the President's statements under oath in the dismissed *Paula Jones* case were legally immaterial to the case and would have never formed the legal basis for any investigation, again raising the specter that this investigation may have been tainted with politics.

This is not Watergate, it is an extramarital affair. Americans know, and want to finish this, and 99 percent of the facts are already on the table. The investigatory phase will be far less significant than in previous congressional inquiries.

There are only a handful of witnesses that can provide us probative information, all of whom have been before the grand jury three, four, five and six times. It is unlikely that any of the witnesses will change their testimony. In fact, much of this investigation, quite amazingly, turns on whether or how Mr. Clinton touched Ms. Lewinsky. It sounds like a parody, but it is not. It is what Speaker Gingrich and many Republicans are proposing with this resolution.

The open-ended Republican proposal will be seen exactly for what it is if it is brought forward this morning: a means for dragging this matter out well past the upcoming elections. An open-

ended impeachment inquiry threatens to subvert our system of constitutional government. There is no need for this investigation to be open-ended when we can, because of its limited factual predicate, close it down within 6 weeks.

Mr. Chairman, over the past weeks you and I have worked more closely together than at any other time in our careers, and I want to thank you for many untold efforts that you have made, including providing committee Democrats the Watergate rules of operation which we sought. We have worked in a bipartisan manner on some of the issues that have confronted us, and while your hands may have been tied by your leadership on others, you know as well as I that whatever action this committee takes must be fair, it must be bipartisan, for it to have credibility. The American people deserve no less, and history will judge us by how well we achieve that goal.

Thank you very much.

Mr. HYDE. Thank you very much, Mr. Conyers. Now for 5 minutes for purposes of an opening statement, the Chair is pleased to recognize Mr. Sensenbrenner from Wisconsin.

Mr. SENSENBRENNER. Thank you, Mr. Chairman.

Today we begin the task second only in gravity to Congress' power to declare war. It is important at the outset to note that this debate is not about the fact that President Clinton had an affair with Monica Lewinsky and then lied about it to his family, his staff, his Cabinet and to the American public. It is about Judge Starr's finding that the President violated his oath to tell the truth, the whole truth and nothing but the truth in a successful attempt to defeat Paula Jones' civil rights suit against him.

The material before us contains evidence that President Clinton perjured himself in the Paula Jones deposition and in his testimony before the grand jury, knowingly had his lawyers submit a false affidavit in the *Jones* case, conspired to conceal gifts he had given Monica Lewinsky, tampered with witnesses and obstructed justice.

What is the difference between lies about an affair to family and friends and those made under oath during legal proceedings? Plenty.

Our legal system is based upon the courts being able to find the truth. That is why there are criminal penalties for perjury and obstruction of justice. Even the President of the United States does not have a license to lie. Deceiving the courts is an offense against the public and it prevents them from administering justice.

Every American has a constitutional right to a jury trial. The jury finds the facts. The citizens on the jury cannot correctly find the facts if they do not get truthful testimony.

When Americans come to visit their capital city, they see the words "Equal Justice Under Law" carved in the facade of the Supreme Court building. Those words mean that the weak and the poor have an equal right to justice, as do the rich and the powerful.

If the evidence against the President is true, it is clear his wrongful conduct was designed to defeat Paula Jones' legal claims against him, claims the Supreme Court in a 9 to 0 decision said she had the right to pursue.

Paula Jones' suit claimed her civil rights were violated when she refused then-Governor Clinton's advances and was subsequently harassed at work, denied merit pay raises, and subsequently forced to quit. She had the right to get evidence showing other women such as Monica Lewinsky got jobs, promotions and raises after submitting to Mr. Clinton.

When someone lies about an affair, they violate the trust their spouse and family place in them. But when they lie about an affair in a legal proceeding, they prevent the courts from administering equal justice under law. That is an offense against the public, made even more serious when a poor and weak person seeks the protections of our civil rights laws against the rich and the powerful.

The President denies all the allegations. Someone is lying and someone is telling the truth. An impeachment inquiry is the only way to get to the bottom of this mess. It will give Congress and the American public one last chance to get the truth and the whole truth. If this inquiry uncovers the whole truth, we will have gone a long way to putting this sad part of our history to rest.

Thank you, Mr. Chairman.

Mr. HYDE. The gentleman from Massachusetts, Mr. Frank.

Mr. FRANK. Thank you, Mr. Chairman.

People have talked about what divides us on this committee, but I think there is one thing that I know from my conversations with my colleagues across the committee that unites us: Almost all of us wish we weren't here. Almost all of us think this is an unfortunate situation. It is not why we came here. We came here to try and make public policy and improve people's lives.

This is a part of our duty and we do it. The question is, how do we do it? The chairman phrased the issue quite clearly, that we will deal with this threshold issue, and it is the scope of this inquiry.

We have debated the question of time, although we appear to be getting some convergence on that. The last I heard we were talking about November 25th, the chairman was talking about the end of the year. If one assumes they are not too busy on Thanksgiving and Christmas Day, that timetable starts to look somewhat similar.

But timing is really a secondary issue. Timing is driven by scope. The question we have to deal with and the question that will be presented in our resolution is this: Do we look into what Kenneth Starr has referred to us, or do we get into an open-ended effort to find something somewhere that can justify continuing this process?

Kenneth Starr has given us a very incomplete report. For more than 4 years he has been studying the Whitewater matter, the FBI files, the Travel Office and other matters. He began this year, more than 3 years after the start of his operation, to look into Monica Lewinsky. Now he gives us the most recent thing he has looked into and we have silence on the others. I think that is clearly because Mr. Starr, reflecting his bias, follows the principle that if you don't have anything bad to say, don't say anything at all.

But that ought not to be the cue for this committee. What we have is this problem: I think as we have talked about it, there is a fear on the part of many who want to destroy Bill Clinton, who didn't like the 1992 election and didn't like the 1996 election and

would like to undo it, there is a fear that the matters in the Starr referral do not carry enough weight to justify an impeachment.

The chairman himself in a very fair way yesterday, apparently on television said that he did not think there were now votes in the Senate for impeachment, and that wouldn't be the case unless public opinion moved. What we have to resist, and I do not impute this to the Chairman, but there are other people who I think have this motive, what we have to resist is an effort to keep going to try and move public opinion.

The chairman said we shouldn't look away, we should look further. I agree. What we shouldn't do, however, is adopt a resolution which says: Let's look around. Let's see what we can find. Let's see if we can find something in Whitewater and the FBI files and the Travel Office and the Campaign Finance Office.

I sat in two congressional hearings on Whitewater, once under Democrats, once under Republicans. Next door in the Burton committee they have investigated ad infinitum, perhaps ad nauseam. We have had investigations into all of these things. No one has yet come up with anything.

That is why we resist so strongly a resolution that says let's just look into the whole thing, take what Kenneth Starr said about Monica Lewinsky and that matter and let's look into it, would be overwhelmingly adopted. Some of my colleagues agree with my friend from Michigan that even that doesn't justify going further.

The problem for many of us is, we did create a statute and appointed an independent counsel. I don't think much of the job he has done, but he is there and has that statutory responsibility. Therefore, I think we have to look at what he said. But let's look at what he said. Let us not turn this into an impeachment inquiry in search of a high crime. Let's look at what Mr. Starr charged the President with and decide.

I must say, having read the Newt Gingrich report and the Richard Nixon report, that by those standards I don't believe that what Mr. Starr has accused the President of justifies impeachment. That has not been the historical standard for those kinds of misdeeds.

But what we have is a recognition, I am afraid, on the part of others that the Starr report does not rise to the appropriate level, that they cannot get the President on that, although it certainly is to the President's discredit and certainly could lead to some harsh criticism of the President. And what we object to is the resolution, which is so open-ended as to keep hope alive that we can find something so negative about the President, even in ground that has been gone over so frequently. That is why we propose an inquiry that is only about the Starr referral on Monica Lewinsky.

Mr. HYDE. I thank the gentleman.

The gentleman from Florida, Mr. McCollum.

Mr. MCCOLLUM. Thank you very much, Mr. Chairman.

What we are embarking upon today is something none of us really want to be doing. We are looking into the question of whether we have an impeachment inquiry of the President of the United States. Impeachment is not good for the country, the inquiry is not good, it would be better if we were not here today, but, unfortunately, the circumstances are grave and the situation merits our at least inquiring, it seems to me.

The issue is not whether the President should be impeached today. That is an issue for another day for us to decide, and we shouldn't prejudge any of the facts or the evidence until we have heard that, if indeed we go forward with an inquiry. The question today for us is, do the allegations that have been presented to us by Kenneth Starr in his report merit further investigation? Some say they do not. I think most of us say they do and are only debating the manner in which we proceed.

This is not about jaywalking, it is not about driving under the influence. Those are not major crimes for which any President would be impeached. But I would suggest to you that what it is about is whether or not we can sustain the constitutional form of our government without going forward at this point. It is about the separation of powers in the three branches of government, the legislative, the executive and the judicial. It is about whether or not what the President may have done, if gone without punishment, without being impeached, without being removed from office, would undermine the judicial system, the third branch of our government.

There are serious questions that have been posed here. If it were proven that the President of the United States committed a felony crime of lying under oath in a deposition in a sexual harassment case, or if it were proven that the President of the United States committed a felony crime of lying to a grand jury under oath, or if it were proven that the President of the United States obstructed justice by trying to encourage someone to file a false affidavit or encouraging other matters that would conceal the evidence from a court or grand jury, would, if that were the case, if those were proven, would it undermine our system of justice if the President of the United States were not impeached or removed from office?

I would submit that indeed it would undermine our system. It would undermine it because when you swear to tell the truth, the whole truth and nothing but the truth when you take an oath, when you become a witness in a court, you are doing what is necessary to make our system of justice work. Truthfulness is the glue that holds our justice system together. When people believe that the President of the United States can lie, commit perjury, and get away with it, what are they going to say the next time they have to go to court? And thousands of them do every day in this country, and they are expected to tell the truth when they get on the witness stand or face the crime of perjury.

I would suggest to you that it should be noted that today in our Federal system, there are 115 people serving time in Federal prison at this present moment for perjury before a grand jury or a Federal court, 115 people. I don't know if the President committed these crimes of perjury, but if he did, that alone it seems to me would merit impeachment and removal from office.

We know for a fact, and I would like exhibits put up, to show this, that Judge Walter Nixon, Jr. was impeached on May 10th, 1989, by a vote of 417 to nothing by the House of Representatives for committing perjury. It says right there, in the course of his grand jury testimony, and having duly taken the oath that he would tell the truth, the whole truth and nothing but the truth, Judge Nixon did knowingly and contrary to his oath make mate-

rial, false or misleading statements to a grand jury, and he was impeached 417 to nothing.

In the next exhibit, please, Judge Alcee Hastings, now one of our colleagues, was impeached on August 3, 1988, by a vote of 413 to 3, for a similar lying under oath for perjury.

It seems to me that these are serious matters. I don't know, again, whether the President committed perjury. That is what it is all about, for us to determine that.

But whether or not he committed even the other matters, witness tampering, obstruction of justice, or all of the other allegations that Kenneth Starr has presented to us as major, serious felony criminal offenses, even if it were only shown to us that the President of the United States lied under oath and committed perjury in the civil deposition he took, or even more seriously, before the grand jury when he testified just a month or so ago, if that is all that is proven, that is enough for us to impeach and enough for him to be thrown out of office. And if we were not to do that, I submit it would undermine our constitutional system and destroy the foundation of our judicial system.

So it is serious today. We do have the basis for going forward with an investigation and an inquiry resolution, and I submit that is what we will do before the end of the day.

Thank you, Mr. Chairman.

Mr. HYDE. I thank the gentleman.

The very distinguished gentleman from New York, Mr. Schumer.

Mr. SCHUMER. Thank you, Mr. Chairman.

Mr. Chairman, I would like to take this opportunity to tell the American people about the decision I have reached in this case and how I have reached that decision.

After a careful reading of the Starr report and the other materials submitted by the Office of Independent Counsel, as well as a study of the origins and history of the impeachment clause of the Constitution, I have come to the conclusion that given the evidence before us, there is no basis for impeachment of the President.

I believe that, given the evidence before us, the only charge possible against the President is that he lied to the grand jury and at the deposition about his extramarital affair with Monica Lewinsky. Even assuming the facts presented by the OIC thus far to be true, that crime does not rise to the level of high crimes and misdemeanors cited in the Constitution.

It is my view that the President should be punished and that Congress should quickly reach consensus on a suitable and significant punishment. Then we should move on and get back to solving the serious problems like the deepening economic crisis abroad, and issues close to home like education, health care and security for seniors.

Mr. Chairman, the OIC has basically made three allegations against the President: perjury, obstruction of justice and abuse of power. They all stem from the admitted improper relationship with Monica Lewinsky.

To me it is clear that the President lied when he testified before the grand jury, not to cover a crime but to cover embarrassing personal behavior. And, yes, an ordinary person in most circumstances would not be punished for lying about an extramarital affair, but



the President has to be held to a higher standard and the President must be held accountable. That said, the punishment for lying about an improper relationship should fit the crime.

The OIC's case for obstruction of justice is not supportable by the evidence. Monica Lewinsky herself volunteered that no one had asked her to lie or promised her a job in exchange for silence. Indeed, her efforts to find a job preceded any notion that she might have to testify in the *Paula Jones* case or any other case.

The abuse of power claims by the OIC are in my view the most frivolous. To suggest that any subject of an investigation, much less the President with obligations to the institution of the presidency, is abusing power and interfering with an investigation by making legitimate legal claims, using due process in asserting constitutional rights, is beyond serious consideration.

It is the charges of obstruction of justice and abuse of power where I believe that Ken Starr seriously overreached. He knew that if this case was only about sex and lying about sex, that it would not be found impeachable by Congress. So he made allegations that simply could not be supported in a court but allowed him to release a salacious report. This casts into serious doubt his impartiality.

Article II, Section 4 of the Constitution, Mr. Chairman, states that the President may be removed from office on impeachment for and conviction of treason, bribery, and other high crimes and misdemeanors. The framers intended impeachment to apply to public actions related to or affecting operations of government and not to personal or private conduct, even if that conduct is wrong or may be considered criminal.

My full written testimony has an in-depth discussion of precedents and opinions on this matter. Let me just say, that whether you cite the Federalist Papers or legal scholars like Justice Story, the President's actions, while wrong and inappropriate and possibly illegal, are clearly not impeachable.

In conclusion, I would support a motion of censure or a motion to rebuke, as President Ford suggested yesterday, not because it is politically expedient to do but because the President's actions cry out for punishment, and because censure or rebuke, not impeachment, is the right punishment.

It is time to move forward, and not have the Congress and the American people endure a specter of what could be a year-long focus on a tawdry but not impeachable affair. The world economy is in crisis and cries out for American leadership, without which worldwide turmoil is a grave possibility. The American people cry out for us to solve the problems facing America, like health care, education and ensuring that seniors have a decent retirement. This investigation now in its fifth year has run its course. It is time to move on.

[The prepared statement of Mr. Schumer follows:]

PREPARED STATEMENT OF CHARLES E. SCHUMER, A REPRESENTATIVE IN CONGRESS  
FROM THE STATE OF NEW YORK

Mr. Chairman, I would like to take this opportunity to tell the American people about the decision that I have reached in this case, and about how I reached that decision.



After a careful reading of the Starr report and the other material submitted by the Office of the Independent Counsel, as well as a study of the origins and history of the impeachment clause of the Constitution, I have come to the conclusion that there is no basis for impeachment of the President.

I believe that given the evidence thus before us, the only charge possible against the President is that he lied to the Grand Jury and at the deposition about his extra-marital affair with Monica Lewinsky. Even assuming the facts presented by the Office of the Independent Counsel thus far to be true, that crime does not rise to the level of high crimes and misdemeanors cited in the Constitution.

It is my view that the President should be punished and that Congress should quickly reach consensus on a suitable and significant punishment. Then we should move on and get back to solving the serious problems like the deepening economic crisis abroad and issues close to home like education, health care, and security for seniors.

Let me begin by saying that I took this responsibility somberly and seriously. We are determining whether the Congress should undo and void the legitimate democratic expression of the people's will in our most American of all civic acts - the election of our President.

I studied the allegations and the evidence and measured them against the standard set forth in the Constitution of high crimes and misdemeanors.

I refused to be swayed by my deep disappointment in the actions of the President. Or my view that what the President did was irresponsible and wrong.

Mr. Chairman, the OIC has made basically three allegations against the President: perjury, obstruction of justice, and abuse of power—they all stem from the admitted improper relationship with Monica Lewinsky.

The OIC's main charge is perjury.

To me it is clear that the President lied when he testified before the grand jury and at the Paula Jones deposition—not to cover a crime, but to cover embarrassing personal behavior. And yes, an ordinary person in most instances would not be punished for lying about an extramarital affair.

But the President has to be held to a higher standard and the President must be held accountable. That said, the punishment for lying about an improper sexual relationship should fit the crime.

The second charge is obstruction of justice.

The OIC's case for obstruction of justice—in my judgement—is not supportable by the evidence. Monica Lewinsky herself volunteered that no one had ever asked her to lie or promised her a job in exchange for silence. Indeed the tapes of Monica Lewinsky and her confidant Linda Tripp—tapes made unbeknownst to Ms. Lewinsky—revealed that no such promise was made.

The testimony of Ms. Currie and Vernon Jordan do not make a persuasive case of obstruction of justice, as well. At best the evidence is contradictory and inconsistent and would not be entertained in a court of law.

The third charge is abuse of power.

The abuse of power claims by the OIC are, in my view, the most frivolous. To suggest that any subject of an investigation—much less the President with obligations to the institution of the Presidency—is abusing power and interfering with an investigation by making legitimate legal claims, using due process and asserting constitutional rights, is beyond the ken of serious consideration.

The President—on the advice of counsel—asserted privileges, filed motions and made claims of executive privilege that were all legally proper. He won some and lost some. But no court seriously claimed that the arguments were frivolous or in bad faith. If there is any reason to think so, then the proper remedy is a Rule 11 procedure—not impeachment.

I have said very little about Ken Starr during the course of his investigation. But it is these two charges of obstruction of justice and abuse of power, where I believe that Ken Starr seriously overreached. He knew that if this case was about sex and lying about sex, that it was not impeachable. So he made allegations that simply could not be supported in a court but allowed him to release a salacious report. This casts into serious doubt his impartiality.

Article II Section 4 of the Constitution states that the President may be removed from office on impeachment for and conviction of, treason, bribery or other high crimes and misdemeanors. The Framers intended impeachment to apply to public actions related to or affecting the operations of the government and not to personal or private conduct even if that conduct is wrong or may be considered criminal.

The Committee on Federal Legislation of the Bar Association of the State of New York published a study on impeachment in 1974 in which it concluded that:

“The Framers had in mind that only conduct which in some broad fashion injures the interest of the country as a political entity be the basis for impeachment and

removal. The phrase 'other high crimes and misdemeanors' should accordingly be construed as referring only to acts which, like treason and bribery, undermine the integrity of the government."

In Federalist Paper Number 65, Alexander Hamilton wrote:

"The subject of its jurisdiction are those offenses which proceed from the misconduct of public men, or in other words, from the abuse or violation of some public trust. They are of a nature which may with peculiar propriety be denominated political, as they relate chiefly to injuries done to the society itself."

Even the manager of the impeachment case against President Andrew Johnson said that impeachment requires conduct that is "in nature or consequences subversive of some fundamental or essential principle of government, or [is] highly prejudicial to the public interest."

What President Clinton did was wrong. It was inappropriate. I believe he lied to the grand jury. But what he did is clearly not an impeachable offense as outlined in the Constitution and interpreted by legal scholars.

In conclusion, I would support a motion to censure, or a motion to rebuke as President Ford wrote yesterday—not because it is the politically expedient to do—but because his actions cry out for significant punishment. And because censure and rebuke, not impeachment, is the right punishment.

He should not walk away unscathed by the Congress. He should not receive a slap on the wrist. But his actions do not rise to the level of high crimes and misdemeanors.

It is time to move forward and not have the Congress and the American people endure the specter of what could be a year long focus on a tawdry but not impeachable affair.

The world economy is in crisis and cries out for American leadership—without which worldwide turmoil is a grave possibility.

The American people cry out for us to solve the problems facing America—like health care, education, and ensuring that seniors have a decent retirement.

This investigation, in its fifth year, has run its course. It has occupied too much of our attention. And it is time to move on.

Mr. HYDE. I thank the gentleman. It is time to move on.

The gentleman from Pennsylvania, Mr. Gekas, is recognized for 5 minutes.

Mr. GEKAS. Mr. Chairman, I will move on.

It is time once again to reassert what the role is of the Congress in these impeachment proceedings, which begin today with the possibility of a vote, to vote to move into inquiry on impeachment. The House of Representatives acts as a gigantic grand jury to which referral will be made by this Judiciary Committee, acting as a kind of prosecutor-investigator body to evaluate the evidence with which to make presentation to the grand jury. Then the grand jury, this grand House of Representatives, would evaluate the evidence and say in one way or another, yes, there is sufficient evidence to allow the trier of fact to conclude that certain offenses, impeachable offenses, have indeed occurred.

Keeping that in mind, we have the responsibility of reviewing and re-reviewing the referral by the Independent Counsel, which in itself is a duty imposed upon us by statute and by the Constitution. In the referral there are allegations, again, for the evaluation of this committee.

I have had difficulty, for instance, in one allegation in which the Independent Counsel says the President repeatedly and unlawfully invoked the executive privilege to conceal evidence of his personal misconduct from the grand jury. I have difficulty with his conclusion that this assertion of executive privilege on the part of the President was unlawful.

But that is not for me to conclude and to come to a firm termination of thinking simply because I have doubts about it. That is why I have to inquire further into what justification there is for the

allegation by the Independent Counsel that indeed it was an unlawful gesture, this assertion of executive privilege. If I had my way, I would remove that right now as not being worthy of discussion, but we need to inquire further. I could be dead wrong on that.

For instance, the Independent Counsel goes farther in substantiating that portion of his allegations, that the Supreme Court had spoken on this, that in similar circumstances in the case against President Nixon the assertion of executive privilege was unsatisfactory and even perhaps illegal. But that is not enough for me. We must inquire further.

So it is on the question of perjury, to which much commentary has been already attributed by my colleagues. In the courthouse which is so familiar to all of us in every seat of every county government in the United States, the entire structure is bolstered not by the concrete of its foundation, but by the oath, an oath taken by the judge to execute his responsibilities, an oath taken by the jury to exercise its responsibilities, an oath by the sheriff, by the bailiff, by the clerk of court, an oath to administer justice, or else all of us lose the chance at justice.

To allow then a witness at this courthouse scenario, which is so familiar to all of us, to pervert the entire process, the rights of everyone concerned, by giving false testimony, by committing perjury, crushes down against that courthouse and it collapses because of that one fatal flaw that could arise in any single case, whether it is a traffic ticket or murder in the first degree. If we cannot as American citizens recognize the necessity for a strong perjury statute and its enforcement, then we are our own worse enemies in what we feel has to be the further answer of establishing and maintaining justice in our country.

So I am not yet satisfied that there is guilt or innocence with respect to the perjury allegations, but, by darn, it is worth a fuller inquiry by this body.

Mr. HYDE. The gentleman's time has expired. I thank the gentleman.

The distinguished gentleman from California, Mr. Berman.

Mr. BERMAN. Thank you, Mr. Chairman.

How we conduct these hearings may be as important as the ultimate decisions we reach. Perhaps there is a political gain for Republicans or for Democrats to spin a public relations angle on every procedural question, every vote, every statement during these hearings. I don't think so. The only effect of the spinning from either side of the aisle is to cloud thought and degrade whatever dignity Congress still has left. This public relations spinning makes me dizzy. Let us seek some common ground.

Every 4 years the people vote for a President. This popular decision is a defining moment of our constitutional system. The people's vote is almost sacred and should not be altered except under the most extreme circumstances.

The impeachment process is a constitutionally mandated procedure for undoing the people's will, but only when the President is found guilty of treason, bribery or other high crimes and misdemeanors.

The impeachment process is not a legal proceeding. We are not a courtroom. The impeachment process should not be used as a leg-

islative vote of no confidence on the President's conduct or policies. We are not governed by a parliamentary system. The impeachment process is not a rubber stamp for the latest feedback from the political pollsters. The Constitution invests the House of Representatives, not the Gallup poll, with the sole responsibility for the impeachment process.

The majority party has an obligation to recognize that "high crimes and misdemeanors" has a meaning. All felonies are not high crimes and misdemeanors. All high crimes and misdemeanors are not felonies. Because of the deference the Constitution gives to the person who wins a presidential electoral college vote, the standard for impeachment is far more complicated and subtle than a straight reading of a criminal statute. Our deliberations must reflect that reality.

The minority party has an obligation to recognize that a Democratically controlled Congress, at the urging of President Clinton, passed a statute that allowed for the naming of an independent counsel by a three-judge panel. The Independent Counsel was in turn given the approval by a Democratic Attorney General to pursue the Monica Lewinsky matter.

I may feel that connections to Whitewater were flimsy and tenuous, I may even regret my vote for the independent counsel statute, but the fact remains, no matter what I think, that statute is the law. The Attorney General gave the okay. That same statute requires the Independent Counsel to report what he believes are grounds for impeachment to the House. It is our obligation to proceed to decide whether the Independent Counsel's contentions are in fact grounds for impeachment.

This is not just about sex, but it is colored by sex. That coloration could be viewed by some as irrelevant. That coloration could be viewed by some as mitigating criminal wrongdoing. It is up to this committee to decide, in this uniquely political and legal and democratic forum, the significance of the context and how, if at all, it affects our determination of whether impeachable offenses have been committed.

I don't share some Members' reluctance to release data to the general population. The American people are not children to be protected by big brother through government control. But the children of America ought to be protected, if at all possible, from a public exposure of irrelevant, if indeed it is irrelevant, sexually explicit hearings regarding the President. Toward this end, I suggest that whatever rules of procedure are adopted, our first order of business is to resolve if the events portrayed in the Starr report's narrative rise to the level of an impeachable offense.

Toward the end of finding common ground, and at Congressman Delahunt's suggestion, I joined with him and two Republicans, Asa Hutchinson and Lindsey Graham, to request that the chair and ranking member, ask the Independent Counsel to forward, at the soonest possible time, any new information he believes relevant to these proceedings. Some of us assume no additional information exists and would like the air cleared. Others read the Starr report and assume there is more to come.

Whatever our expectations, we recognize, without regard to political implications, how vital it is to know the limits and the scope

of the proceeding. Our request was forwarded to Mr. Starr. I urge the Independent Counsel to communicate immediately his intent regarding 595(c) information about any other matter he is charged with investigating, if any exists.

This is a difficult and emotional process. Many of us have extremely strong feelings regarding its outcome and procedures. The more we are able to overcome those passions and work together, the better for both parties, the better for America.

Thank you.

Mr. SENSENBRENNER. The gentleman from North Carolina, Mr. Coble.

Mr. COBLE. Thank you, Mr. Chairman.

Mr. Chairman, some House Democrats have in my opinion unfairly and inaccurately accused Republicans of being fiercely partisan and unfair. My Democrat friends asked for a Watergate-Rodino model. Now they claim they don't want it. The moral of that story is you can never get too much of what you don't want. Be careful what you request, it may be granted.

If Republicans had sought to be unfair, it could have been accomplished by stacking the staff deck. During the Watergate hearings, a total of 134 staffers were assigned, 12 of whom represented the Republican side. What have these current Republicans done regarding staffing? One hundred thirty-four, as in the Watergate era? Indeed not. The staff in the President Clinton investigation is the grand total of 21—14 Republicans, 7 Democrats. Not 122 to 12, but 14 to 7. Obviously fair.

The Democrat strategy in portraying Republicans as unfair is designed to divert attention from the issue at hand, and it is obviously effective, Mr. Chairman, because here am I consuming my time refuting their inaccurate claims. But when one is falsely accused and maintains silence, silence then becomes assent.

Now, for the issue at hand. Many say, conclude this matter immediately. We do not have the luxury of doing so, if we properly discharge our constitutional duty. An inquiry, not necessarily an impeachment, but an inquiry of impeachment must inevitably follow.

Equal justice under the law, powerful words previously mentioned by my friend from Wisconsin. We must remain blind to bias and other distractions when applying the laws, no matter whether we are applying it to an average citizen or to the President of the country, and we must remain evenhanded and impartial before deciding to ascribe guilt or innocence to a person as the truth may warrant.

That in fact is what we are doing here today. A society founded upon the rule of law is one which values truth. Without it, we have no courts which will function. In its absence, we have no civil society. This ultimately means that citizens in our Republic, regardless of the power they have or the position they hold, must make an obligatory commitment to observe the law. As Theodore Roosevelt once said, "Obedience to the law is demanded as a right, not asked as a favor."

Mr. Chairman, it is my hope that our fellow Americans will be understanding as we continue this process and hopefully conclude same sooner rather than later. Constituents send mixed messages,

as each of you know. In calls last week, one said if I don't vote to impeach the President, never to come back home. A second call said if I don't conclude this hearing today, as if I could do that, she will never vote for me again, implying that she had voted for me previously. Yet a third call, my friends: "I hope Coble dies a painful death from prostate cancer."

Now, I am not going to be intimidated by that third call. The first two calls I am going to weigh very soberly. But finally, my friends, Mr. Chairman, and my colleagues on both sides, it is we, after we examine the facts and evidence thoroughly, it is we who must exercise our best judgment.

I thank the Chairman.

Mr. SENSENBRENNER. The gentleman's time has expired.

The gentleman from Virginia, Mr. Boucher.

Mr. BOUCHER. Thank you very much, Mr. Chairman.

As the committee today establishes the boundaries and the rules of proceeding for its formal inquiry, the most careful consideration should be given to both of the procedural alternatives that will be before the members this afternoon. Whatever the outcome of the formal inquiry, history will recall the process that we employ. What we do today will become part of the constitutional fabric for future impeachment inquiries.

Just as today we seek the guidance and the instruction of precedent from the formal inquiries of past years, future Congresses, when confronted with allegations of impeachable conduct, will examine closely our decisions in this time. The rules we set, the process that we employ, the balances we achieve to assure that the rights of all are protected and that the Nation's interests are served, will influence not just the course of this investigation but future impeachment investigations as well.

Bearing that reality in mind, I urge that the most careful consideration of these rules be provided. The activity upon which we are embarked lies at the very heart of our constitutional structure, and it is essential that our decisions today and in the coming days be motivated not by a partisan interest but by the public interest; that they be made not for reasons of expediency, but that they be made with a view toward the lasting effect that they will have.

Later today I will urge the adoption of a process which meets this test. It will be limited to the matters that have been referred to this committee by the Office of Independent Counsel, and those are the matters that today we actually have before us. It will require that as a first essential step, the committee conduct a thorough review of the constitutional standard for presidential impeachment which has evolved over the last two centuries.

Before the investigation phase of our work begins, we should establish a shared understanding of that constitutional standard, of the fact that the framers of the Constitution did not intend for impeachment to be a punishment for individual misconduct, of the fact that they intended for impeachment to occur only when that misconduct is so substantial and is so important to the functioning of the Office of the President that it is absolutely incompatible with our constitutional system of government.

Our process will then require that the allegations of the Independent Counsel each then be compared to the historical constitu-



tional standard, and that only those allegations which meet that threshold test become the subject of our formal inquiry. These initial steps are essential to an orderly review. They are required for the committee to follow the path so clearly marked for us by the constitutional framers and by our congressional predecessors for the past 200 years.

When we consider later today these procedural alternatives for the conduct of our investigation and our formal review, I urge the members to keep these fundamental principles in mind.

Thank you, Mr. Chairman.

Mr. SENSENBRENNER. The gentleman from Texas, Mr. Smith.

Mr. SMITH. Mr. Chairman, we are here today to decide whether the serious charges against President Clinton merit further inquiry. We are not here to determine guilt or punishment. If necessary, that is for another time and place. President Clinton already has admitted to inappropriate behavior that he himself called wrong, and the Independent Counsel has presented substantial evidence that the President may have lied under oath, obstructed justice and abused his office.

The committee now has a constitutional responsibility to fulfill. If we are to do so and seek the truth, we must proceed with our inquiry. This will not be an easy task; in fact, it will be a difficult ordeal for all Americans. But we will get through it: we are a great Nation and a strong people. Our country will endure because our Constitution works and has worked for over 200 years.

As much as one might wish to avoid this process, we must resist the temptation to close our eyes and pass by. The inquiry into the President's conduct must go on for one simple reason—the truth matters. The President holds a public office we rightly regard as the most powerful in the world. The President serves as a role model for us and for our children. He influences the lives of millions of people. That is why no President should tarnish our values and our ideals.

Actions do have consequences; the difference between right and wrong still exists, and honesty always counts. We should not underestimate the gravity of the case against the President. When he put his hand on the Bible and recited his oath of office, he swore to faithfully uphold the laws of the United States. Not some laws, all laws. When he swore before a judge to tell the truth, the whole truth and nothing but the truth, he assumed responsibility for doing just that.

Now it will be up to us to decide if there is sufficient evidence that he violated his sacred public trust. More than 150 newspapers already have called for President Clinton's resignation. Many others have expressed dismay about his behavior. Prominent Democratic leaders have courageously spoken out.

Senator Joe Lieberman: “. . . the President apparently had extramarital relations with an employee half his age and did so in the workplace, in the vicinity of the Oval Office. Such behavior is not just inappropriate, it is immoral and it is harmful, for it sends a message of what is acceptable behavior to the larger American family, particularly our children. . . .”

Senator Robert Kerrey: This is not a private matter. This is far more important for our country and threatens far more than his presidency.

And former Senator Bill Bradley: "Any time the President lies, he undermines the authority of his office and squanders the public's trust, and that is what he did."

Certainly these Democratic leaders know you can't defend the indefensible. There are others, though, who would like to change the subject, who would like to talk about anybody else but the President and about anything else except the allegations of lying under oath, obstruction of justice and abuse of office. Such efforts are an affront to all who value truth over tactics, substance over spin, principles over politics.

I hope that there will be a bipartisan vote by the Judiciary Committee today to support Chairman Hyde's inquiry resolution. Almost 25 years ago, a similar vote occurred on a nearly identical resolution by Chairman Rodino concerning President Nixon. Then, every single Republican joined the Democrats in seeking the truth.

No one is eager to undertake this task. But good can result, and lessons can be learned, such as: No one is above the law. If you do something wrong, you must pay a price. If you don't treat others with respect, it can hurt you. The outcome of this inquiry can be a public reaffirmation of core values, honesty, respect, responsibility. As we go forward, we do so not as partisans but as fact-finders and truth seekers. And it is my hope that we go forward together, the American people and their representatives in Congress, united in our love of country and in our desire to seek a wise and just result for all.

Mr. SENSENBRENNER. The gentleman from New York, Mr. Nadler.

Mr. NADLER. Thank you, Mr. Chairman.

This committee faces today a task of monumental and historic proportion. The issue in a potential impeachment is whether to overturn the results of a national election, the free expression of the popular will of the American people. That is an enormous responsibility and an extraordinary power. It is not one we should exercise lightly. It is certainly not one which should be exercised in a manner which either is or would be perceived by the American people to be unfair or partisan.

The work of this committee during the Nixon impeachment investigation commanded the respect and the support of the American people. A broad consensus that Mr. Nixon had to go was developed precisely because the process was seen to be fair and deliberate. If our conduct in this matter does not earn the confidence of the American people, then any action we take, especially if we seek to overturn the result of a free election, will be viewed with great suspicion and could divide our Nation for years to come.

We do not need another "who lost China" debate. We do not need a decade of candidates accusing each other of railroading a democratically elected president out of office or of participating in a disguised coup d'etat. This issue has the potential to be the most divisive issue in American public life since the Vietnam War. Our decisions and the process by which we arrive at our decisions must be



seen to be both nonpartisan and fair. The legitimacy of American political institutions must not be called into question.

We have had 6 years of investigations into the life of this President by special prosecutors, House and Senate committees and assorted free-lance conspiracy theorists. And what do we know? We know that Vince Foster was not murdered but committed suicide. We know that nothing has come of the so-called Whitewater scandal. Nothing has come of Filegate. Nothing of Travelgate. What we are left with are 11 allegations stemming from the President's relationship with Ms. Lewinsky which we must now assess.

In doing so, we need to consider what sort of wrongdoing is impeachable. We need to remember that the framers of the Constitution did not intend impeachment as a punishment for wrongdoing but as a protection of constitutional liberties and of the structure of the government they were establishing against a President who might seek to become a tyrant.

In 1974, the House accepted the findings of this committee in which it reported that impeachable offenses "are constitutional wrongs that subvert the structure of government or undermine the integrity of office and even the Constitution itself and thus are high offenses in the sense that word was used in English impeachments."

Further, "not all presidential misconduct is sufficient to constitute grounds for impeachment. There is a further requirement, substantiality. Because impeachment of a President is a grave step for the Nation, it is to be predicated only upon conduct seriously incompatible with either the constitutional form and principles of our government or the proper performance of constitutional duties of the presidential office."

The committee stated the issue clearly. "The crucial factor is not the intrinsic quality of behavior but the significance of its effect upon our constitutional system or the functioning of government."

We should, therefore, first determine the standard we will use to determine what is an impeachable offense. As far as I am concerned, we could simply reaffirm the report of this committee adopted by the House in 1974.

Then we should inquire which of the 11 allegations, if proven to be true, would meet the standard and would be, therefore, impeachable offenses. Only then would it make sense to examine the evidence relating to those allegations, if any, determined to constitute impeachable offenses, in order to determine whether there is sufficient evidence to justify going forward with formal impeachment proceedings.

This is the logical process put forward in the Democratic alternative that will be offered later today. It offers us a fair, deliberative, focused and expeditious procedure. Only this or a similar procedure can guarantee the confidence of the American people in our work.

We need to remember that we are tinkering with the results of a free election. Our national unity and the stability of our government depends on the manner in which we exercise the extraordinary power and duty thrust upon us by the Constitution.

Mr. HYDE. The gentleman's time has expired.

Mr. NADLER. Fifteen seconds.

Mr. HYDE. Certainly.

Mr. NADLER. Let us exercise that power in the logical and fair manner proposed in the Democratic alternative and not in the unfair and partisan manner which we have proceeded so far and which the majority proposal would continue.

Mr. HYDE. The gentleman from California, Mr. Gallegly.

Mr. GALLEGLY. Thank you, Mr. Chairman.

First, I would like to start by complimenting you on your efforts to make this process as open, as fair and as bipartisan as humanly possible. Mr. Chairman, we appreciate that.

In my 12 years in Congress, this is undoubtedly the most serious issue I have ever had to deal with and without question the most serious issue that any of us on this committee will likely ever have to deal with. Both Democrats and Republicans must recognize the gravity of the constitutional responsibility that lies before us. How we comport ourselves and how we resolve the question of whether or not to impeach the President will have implications for our political system and for our Nation for many generations to come.

As we investigate these serious charges, I would appeal to my colleagues on both sides of the aisle not to be dilatory or partisan. We should do our best to be evenhanded, and we should not let this issue drag on one day more than is absolutely necessary.

Lastly, I would appeal to all my colleagues to concentrate on the facts. So far, this whole matter has been a contest of spin, spin, spin and more spin. We should get back to the hard work of analyzing the evidence for the purpose of reaching a just result. If at the end of our inquiry the facts do not support the charges, the President should be fully exonerated. On the other hand, if the facts support the allegations, we have a duty to move forward. However, either conclusion for or against impeachment must be grounded on facts and on the truth. For this reason, to arrive at a fair conclusion based on the evidence, I urge all my colleagues on both sides of the aisle to support this resolution.

Mr. HYDE. I thank the gentleman.

The gentleman from Virginia, Mr. Scott.

Mr. SCOTT. Thank you Mr. Chairman.

Mr. Chairman, the allegations against our President are very serious and deserving of our attention. I don't know of anyone who has condoned his behavior. In fact, the President himself has said that his behavior was inappropriate, wrong, indefensible. He has apologized, said he was sorry and has asked for forgiveness.

The question before us, however, is not whether we like or dislike or condone or condemn certain behavior. Our charge is much different and mandated by the oath we took to protect and defend the Constitution. Under Article II, Section 4 of the Constitution, we have the responsibility to determine whether any of the President's actions justify exercising Congress's power of impeachment. So we ask, even assuming all of the allegations in the 11 counts are true, do any of the Independent Counsel's allegations rise to the level of impeachable offenses? If so, we should investigate those allegations. On the other hand, if we continue to focus on charges that, even if true, do not constitute impeachable offenses, we will continue on a partisan charade simply to embarrass the President and

divert attention from the other important issues before Congress and this committee.

Mr. Chairman, I was happy to hear you announce last week that you have directed the Subcommittee on the Constitution to hold hearings on the question of what are impeachable offenses. Unfortunately, last week's happiness has led to today's disappointment in seeing that we will be voting on whether to open an inquiry before we have had the first hearing on impeachable offenses.

This reminds me of the part in *Alice in Wonderland* where you are sentenced first and then you have the trial. Here we vote first and then we have the hearing.

The importance of this initial step is crucial in this case, Mr. Chairman, because I am not aware of any constitutional scholar who believes that all of the allegations before us are impeachable offenses as intended by the framers of the Constitution. In fact, half of the leading authorities interviewed by the *National Law Journal* said that not only did none of the allegations reach that level but also said that the question was not even close.

So it is in that light that we are asked to consider the standards for impeachment before we go further. And even if we don't adopt a standard, we should at least take a moment to consider the history and prior cases of impeachments rather than simply blurt out unreasoned, partisan feelings about whether or not we want the President to continue in office.

Setting the standard for impeachment was the first thing they did in Watergate. We have not taken time to review either that standard as outlined by my colleague from New York or the Republican alternative offered during those proceedings. But, instead, we are taking the first initial step in a rational process. We have spent the first 3 weeks releasing thousands of pages of personal information, including salacious details of intimate sexual contact and rumors and innuendo, without ever determining whether or not the documents were relevant to allegations we will be investigating.

During Watergate, the committee released only that information which was relevant to articles of impeachment which were adopted. In fact, much of the information in the Watergate proceedings has not been released yet, even though it has been over 2 decades since the inquiry was concluded. Instead of following this precedent of releasing only relevant documents, we violated that precedent on a party-line vote.

In Watergate, the President's lawyer was able to review and cross-examine information before it was made public. Again, we chose to violate that precedent on a party-line vote.

As a result of our failure to follow a reasoned approach, any decision we make as a result of this process may have already suffered a devastating erosion of public confidence. I hope this is not the case, but, Mr. Chairman, what is wrong with a fair and reasoned approach? If the President deserves to be impeached, he will be impeached at the end of a fair process, just as he will be impeached at the end of an unfair process. The only difference is that the product of a fair process will have legitimacy and respect, while the product of an unfair process will forever lack credibility and support.

I hope that this committee will rise above partisanship and have the courage to pursue the fair process that our Constitution warrants.

Mr. HYDE. The gentleman from Florida, Mr. Canady.

Mr. CANADY. Thank you, Mr. Chairman.

It is truly a sad train of events that has brought us to this day. Like most other Americans, I believe it is important that the issues confronting us be dealt with expeditiously. They should not be allowed to linger for month after month after month.

But it is also important that these issues not be treated as inconsequential and swept under the rug. On the contrary, they must be dealt with through a thoughtful, deliberative process in which we focus on determining the truth and doing our duty under the Constitution.

Today, as we consider whether to inquire further into these matters, it cannot be denied that there is substantial evidence before the committee to support the conclusion of the Independent Counsel that the President is guilty of multiple acts of perjury, obstruction of justice and other offenses. If the allegations of the Independent Counsel are substantiated: First, the President, through obstruction of justice and false statements under oath, sought to conceal the truth in a sexual harassment case. Then, the President engaged in a 7-month cover-up of those earlier offenses—a cover-up which culminated in the President's giving of false testimony to the grand jury in August.

The President's lawyers now assert that even if the charges made by the Independent Counsel are true, the House has no recourse under the Constitution. This assertion is wrong, because the offenses charged—if proven—would constitute serious violations of the President's constitutional duty to "take care that the laws be faithfully executed," violations that do undermine the integrity of the President's office, violations that subvert the public respect for law and justice, which is essential to the well-being of our constitutional system, such conduct falls within the scope of high crimes and misdemeanors and demonstrated by the history of the adoption of the Constitution and the impeachment cases over the last 200 years.

As a fallback position, the President's lawyers argue that before we institute an impeachment inquiry we must adopt a fixed definition of impeachable offenses. But in support of this argument, they do not cite a single impeachment case—not one solitary case—in which this committee adopted a fixed standard for impeachment as they suggest we must do now. In the Nixon case, this committee never adopted a fixed definition or standard for impeachable offenses. Not before the inquiry, not during the inquiry, not at the end of the inquiry. It is certainly true that in the Nixon case—after the House had voted to commence an impeachment inquiry—the staff of the Judiciary Committee prepared a report on "Constitutional Grounds for Presidential Impeachment." But that report itself acknowledged that it offered, and I quote, "no fixed standards for determining whether grounds for impeachment exist." The staff recognized, as Mr. Hyde noted earlier, that judgments concerning application of the constitutional standard must await the full development of the facts. . . ."

More importantly, the inappropriateness of attempts to articulate a fixed standard for impeachable offenses was recognized by the founders. Alexander Hamilton in the Federalist Number 65 stated that impeachment proceedings cannot be “tied down” by “strict rules . . . in the delineation” of impeachable offenses. Of course, it would be inappropriate for the committee to recommend the commencement of an impeachment inquiry in the absence of evidence that the President may be guilty of conduct rising to the level of an impeachable offense.

The members of the committee have considered and weighed the pertinent background and history in reaching the judgment we reach today. Every member of this committee is keenly aware of the significance of the decision before us. We make that decision in full awareness that we are accountable for it to the people who elected us. When the President’s lawyers argue that the commencement of an inquiry is “for no stated reason at all,” they have taken flight from reality. There are indeed reasons that we are here today, and the reasons are serious.

Not long after the Constitution was adopted, one of the framers wrote, “If it were to be asked, What is the most sacred duty and the greatest source of security in a Republic? The answer would be, an inviolable respect for the Constitution and Laws—the first growing out of the last . . . Those, therefore, who set examples, which undermine or subvert the authority of the laws, lead us from freedom to slavery; they incapacitate us for a government of laws . . .”

In whatever proceedings we undertake in this matter, Mr. Chairman, it is our solemn duty to set an example that strengthens the authority of the laws and preserves the liberty with which we have been blessed as Americans.

Mr. HYDE. The distinguished gentleman from North Carolina, Mr. Watt.

Mr. WATT. Thank you, Mr. Chairman.

From the outset, I have been critical of the process—

Mr. HYDE. Jim, would you move the lights to where the members can see them?

Can you see them now? All right?

The distinguished gentleman from North Carolina, Mr. Watt.

Mr. WATT. Thank you, Mr. Chairman.

From the outset, I have been critical of the process we have followed. I spoke against and voted against the original resolution which passed the House and have spoken and voted against each committee action to release more materials to the public.

My opposition to releasing materials to the public has had nothing to do with whether the materials were favorable or unfavorable to the President. Recall that none of us even knew what these materials contained before we cast our first vote on releasing them. My opposition has been based on two principles:

First, the independent counsel statute was passed solely to assure investigations, with integrity, of alleged illegal or impeachable conduct in the highest places in our government. The information obtained in such investigations was clearly intended to be used as evidence in either a criminal prosecution or in an impeachment process, i.e. for either a legal purpose or for a constitutional purpose.

Second, and perhaps more importantly, our process in this country has always assured those accused of an offense certain due process rights: the freedom from unwarranted pretrial publicity, the right to be tried in a proceeding that assures due process of law, and the right not to be tried in the press or in the court of public opinion.

The process the House and this committee have followed to date has violated these two principles. Today, as firmly as I have throughout the process, I reaffirm my belief that the process we have followed is unfair, unprecedented and unAmerican.

But the majority of the House and the majority of this committee spoke, and we gave the public sexually explicit hearsay, gossip and other information. Information obtained by the Independent Counsel to be used for legal and constitutional purposes, we released to the public so members of the public could make their personal and political judgments. And they have.

People have made their personal judgments. And let me say straight up that I have not had a single constituent who condones what the President did. But that is not the end of the story.

People have also made their political judgments. Many who never supported the President anyway have used it as a reaffirmation of their existing disdain. Many have separated personal life from public policy and said, "move on." Many have made their political judgment about whether the President should or should not resign. But that, too, is not the end of the story. There is nothing in our Constitution which mandates that Congress weigh in on the political judgment about whether the President should or should not resign.

Nothing in our Constitution mandates that we, as Members of Congress, make either our own personal judgment based on our own personal standards or that we make a political judgment. But what our Constitution does mandate us to do is to make a constitutional judgment based on a constitutional standard. And on whether we meet and honor that mandate, the stability and foundation of our Nation, indeed the very rule of law depends. On whether we meet and honor that mandate, history will certainly judge us.

In meeting and honoring that mandate, it seems to me that the starting place should be putting politics aside and having a clear understanding of what our Founding Fathers and our historical precedents say the constitutional standard means. Without that, we have no standards, and the process will become majority rule and partisan politics, as usual.

I pray that my colleagues will rise to this challenge to put our Constitution, the rule of law and the principles our Founding Fathers left for us above politics. Our oath of office calls us to do this. I say to my colleagues, please answer the call.

Mr. HYDE. The gentleman from South Carolina, Mr. Inglis.

Mr. INGLIS. Mr. Chairman, thank you. I wonder whether I should get those lights, make sure I don't go over.

This proceeding, I believe, is about the search for truth. It is about finding the truth in a very unfortunate circumstance. And the inquiry gives us the opportunity to find that truth.

It occurs to me that we are very fortunate at this point to have agreement on that. Apparently, our colleagues on the other side of

the aisle are going to offer an alternative, both of which, our alternative and theirs, would call for an inquiry. The question is the scope, the question is how it is to be done. But the good news is, apparently, we are in agreement that an inquiry is warranted.

Now, there are some this morning who were rhetorically saying that there should not be an inquiry, that basically their minds are made up, there is no need to further pursue this matter, and it really just does not matter anyway. For those I think there is a very high burden, a very high burden of proof to say that it does not matter, we should just move along.

I wonder what they do with the very lengthy report from Ken Starr. I wonder what they do with the very significant corroboration there. I suppose they just have to say that it just does not matter. But my hope is that America will continue to be a place of commitment to a central truth, a place of freedom coupled with responsibility.

And, really, that is what we are about here. The question is whether the truth matters. And there are some who seem to be saying that the truth really does not matter. It does not matter whether the President lied under oath in the Paula Jones deposition or before the grand jury. It just does not matter whether the President obstructed justice. It does not matter whether the President tampered with witnesses.

Basically, I think what those people who would assert that have to be saying is that power is what matters, power unconstrained by principle. And the risk for us there is that that seems to me to be a sure prescription for tyranny and what the founders wanted to avoid. They wanted a constitutional Republic where power was constrained by truth.

John Adams said, he coined the phrase in 1774, "a government of laws and not of men." If we are going to stick to that now, we must pursue the truth without regard to politics, without regard to the maintenance of power by anyone individual.

Surely, this President is not above the law. None of us are above the law. We must seek the truth now.

Now, I firmly believe that this is a matter that will define us as we go into the next century. I am happy to see that most of our colleagues have mentioned the tremendous historical significance of what we are doing here. Some have mentioned it in the context of the presidency and of this President.

But I think there is something even greater at stake and that is, as a culture, are we going to declare as we go into the next century that truth matters? Again, some would have us say here today, it really doesn't. But I would hope that the conclusion we draw, not just in this committee, as we go forward with this inquiry, but on the floor of the full House, is that truth does matter. And if we reach that conclusion as a culture, then we will be prepared for the next American century, sure that where we started is where we will continue, a constitutional Republic committed to certain essential truths.

Mr. HYDE. I thank the gentleman.

The distinguished gentlewoman from California, Ms. Lofgren.

Ms. LOFGREN. Thank you, Mr. Chairman.



I think today is a day that is not only a sad one for our American republic but also one that is serious and has grave implications for our American political system. The public is very concerned about what we are doing here, and I have always found that when you have a concern, when you are losing your way, you can look to beacons to guide your way.

Today, if we put our Constitution first, we will be able to find our way through the thicket that threatens our country and find a path that will serve us into the next century.

I have been giving a lot of thought to the processes we have been using. It occurs to me we would be better off if we spent more time reading what George Mason and James Madison said to each other than what Ms. Lewinsky and Ms. Tripp said to each other.

It seems to me that there are Members of the House of Representatives, perhaps even members of this committee, who have very striking differences, even confusion about what the term high crimes and misdemeanors means in our constitutional system of government. And that is why we need to spend time talking about our Constitution and what the role of impeachment is in that wonderful system.

There are some who say that a high crime and misdemeanor is a low crime, in which case we certainly would not need to involve the Congress in reviewing it. We could just call in a jury, a judge, prosecutor and a defense counsel and be done with it.

There are others who say that a high crime and misdemeanor is to punish any kind of misconduct to enforce good behavior. If that is the case, we will have a parliamentary system of government instead of a constitutional one. In England, impeachment was used as a tool by Parliament to tame the king, but it was altered when our Constitution was written because we don't need to tame a king.

We have three branches of government that are ruled by laws and because, as George Mason and James Madison said on September 8 of 1787, we may have no bill of attainder, we need to have a specific form of reference for the use of impeachment, and it is very limited. It is limited to those actions that are so serious and so threaten our constitutional system of government that we may not wait for the next election to take action. Ben Franklin referred to impeachment as the alternative to assassination.

So we believe that, before we begin chasing facts, we ought to know what is the relevance of the facts we are chasing. What are we attempting to prove? That is why the proposal that will be later revealed is so important to so many of us. We need to know and have to reach a common understanding of what is an impeachable offense, what is a high crime and misdemeanor.

I understand that there will be hearings after the vote taken today, but I think that that really is an abdication of our obligation in the Constitution and not consistent with Madison's endeavor to be specific and to avoid ex post facto laws. Even the resolution under which we are operating, H. Res. 525, commits this committee to review the report and report back to the full House. That includes a determination of what constitutes grounds for impeachment, something that is never once referenced in the report from the Independent Counsel and that we have spent no time addressing.



Finally, we must act not as Democrats or as Republicans in this matter but as Americans, because what we do will have an impact not just on the current holder of the presidency but our very system of government on into the future. If we fail to discharge our duties properly, we will contribute to the instability of our American political system at a time when the world looks to us for leadership, not only politically but also economically.

So I hope that we can avoid the admonition in The Federalist paper 65, that there always will be the greatest danger that the decision to impeach—or not—will be regulated more by the comparative strength of the parties than by the real demonstrations of innocence or guilt. Let us take care to avoid what Alexander Hamilton feared.

Mr. HYDE. The distinguished gentleman from Virginia, Mr. Goodlatte.

Mr. GOODLATTE. Mr. Chairman, consideration of an inquiry of impeachment against the President of the United States is a serious matter. This issue has serious consequences for the Nation. But serious matters require serious consideration. This committee has a constitutional duty and a moral duty to examine the charges against the President and to follow the truth wherever it leads.

The charges against the President include perjury, witness tampering and obstruction of justice. These are serious charges, charges that cannot be wiped away by a mere wink and a nod and an apology or someone's interpretation of the latest public opinion poll.

The standard that we follow and the standard we teach our children is that no person is above the law, including the President of the United States. The question before this committee is, did the President intentionally obstruct justice, misleading our judicial system and the American people as part of a calculated, ongoing effort to conceal the facts and the truth and to deny an average citizen her day in court? And were other offenses such as perjury and witness tampering committed as part of this effort, leading to a betrayal of the public trust?

The chairman of this committee during the Watergate inquiry, Peter Rodino, focused on this standard in his historic, "Constitutional Grounds for Presidential Impeachment," when he wrote: "The framers intended impeachment to be a constitutional safeguard of the public trust." The State ratifying conventions provide evidence of this point as well, as framers in North and South Carolina, New York, Pennsylvania and Virginia all discussed impeachment in terms of violating the public trust.

Amid the intense glare of the moment, we must keep in mind that what this committee is considering today is not impeachment or articles of impeachment. Nor is it about matters for which the President has apologized. Rather, the committee must decide, in light of the documented allegations of serious crimes committed by the President, all of which the President has repeatedly denied, whether we should take the next step in the constitutional process by fully and completely investigating the charges determining whether they are well-founded, and deciding whether sufficient grounds exist for the House of Representatives to exercise its constitutional power to impeach.

The historic, fair and proper forum for the development of these documented allegations and for their consideration in light of the Constitution is an inquiry of impeachment. It is during an inquiry that all the evidence, both supporting the President's case and calling it into question, is examined and evaluated. It is during an inquiry that the President, his lawyers, and his defenders present their case. It is during an inquiry, not before, that the committee, after careful consideration of the facts and the historic precedents, applies it to the constitutional standard for impeachment.

Finally, it is during an inquiry that the committee determines whether the President's conduct meets that standard, in violation of his oath to faithfully execute the office of President of the United States and in disregard of his constitutional duty to take care that the laws be faithfully executed.

Mr. Chairman, after reviewing the documented allegations before this committee, all of which the President has denied, after careful consideration of the Constitution and the statements of its framers, and after examining the precedents for proceeding to the next step in the constitutional process, I believe that an inquiry of impeachment against President Clinton is necessary. The serious decision we make today is not about the next election, is not about partisanship, and is not about interpreting opinion polls—it is about upholding the rule of law and the Constitution and following the truth wherever it leads.

If we did not proceed with this inquiry of impeachment, the committee would be doing a grave disservice to our Constitution, our House of Representatives and our sacred trust with the American people.

Mr. HYDE. The distinguished gentlewoman from Texas, Ms. Jackson Lee.

Ms. JACKSON LEE. Thank you very much, Mr. Chairman, for this opportunity, and thank the ranking member, Mr. Conyers, for his leadership in these procedures that we will undertake today.

Truth does matter, Mr. Chairman, and the Constitution matters as well. It is with great humility and somberness that I sit here today as an American representing the essence of our new America, a Nation filled with those who render justice and those who need it.

This Nation, however, is not second-rate. Ours is a Nation that should not accept second-class justice for any American, be he or she President or citizen. Americans should never return to the time when some were held as chattel and others could not vote or hold property. I for one will never accept a second-class justice for any American, and we should not seek it today.

This morning, my friends, the world is watching us, not so much for what they expect the committee to do but what they hope we will do. And that is to remove partisan politics from this process and, rather, to move constitutionally, calmly and deliberatively in reviewing the facts. Any other action would be premature and partisan. Unfortunately, as Justice Thurgood Marshall chastised the court in *Payne v. Tennessee*, power, not reason, may be the currency of this day's decisionmaking.

Twenty-five years ago this committee undertook the constitutional task of considering the impeachment of Richard Nixon. The

process was painstaking, careful and deliberative, and both the Nation and the world were reassured that America's 200-year-old Constitution worked. Impeachment is final, nonappealable, without further remedy, a complete rejection of the people's will; and thereby, I believe, it must be done fully, beyond a doubt, without rancor or vengeance, complying with every woven thread of the Constitution.

Today, by contrast, the world and the American people have been alternatively puzzled, confused and appalled by the reckless media circus our automatic dumping of documents has produced. With all the talk of Watergate in the air, I think it is time to remember four basic points we learned in 1974 and seem to have forgotten since then.

First, impeachment, that is the decision of the House to accuse the President, in this instance, of treason, bribery or other high crimes and misdemeanors, is the end of a careful process of investigating the facts, considering whether they establish a threat to our constitutional form of government, and deciding to require the Senate to conduct a trial.

We have not yet undertaken any of the responsibilities the Constitution imposes on us. Instead, we have let our agenda be completely driven by the views of an independent individual counsel mentioned nowhere in the Constitution. In Watergate, by contrast, this House did not begin a formal inquiry until after extensive investigation by the Judiciary Committee and after Senate hearings.

Before we can talk responsibly about this impeachment inquiry process today, we need to do two things. We must first figure out for ourselves what actually happened. The information already before us suggests we cannot rely automatically on the OIC report. There is no fourth branch of the government.

And then we must ask whether any of these facts establish an impeachable offense. A Yale scholar, Charles Black, said, in short, only serious assaults on the integrity of the processes of government, and such crimes that would so stain a President as to make his continuance in office dangerous to the public order, constitute impeachable offenses.

Second, the Founding Fathers included impeachment as a constitutional remedy because they were worried about presidential tyranny and gross abuse of power. They did not intend impeachment or the threat of impeachment to serve as a device for denouncing the President for private misbehavior, or for transforming the United States into a parliamentary form of government in which Congress can vote "no confidence" in an executive whose behavior it dislikes. All Presidents of this Nation are elected the President of the United States, and it is not the prerogative of this committee to undo that election.

Third, the framers of the Constitution never intended the availability of impeachment as a license for a fishing expedition. Never before has this House authorized a free-ranging, potentially endless investigation into a public official's private behavior or his behavior before he attained Federal office. The Republican resolution calls for that today.

As the Watergate Committee report explained, in an impeachment proceeding a President is called to account for abusing pow-

ers that only a President possesses. In Watergate, as in all prior impeachments, the allegations concerned official misconduct.

Finally, while not every impeachable offense is necessarily a crime, the opposite is also true. Not every potential crime is an impeachable offense. The Founding Fathers deliberately chose the phrase "treason, bribery, or other high crimes and misdemeanors" to convey their view that impeachment was to be limited to abuse of power or serious breach of trust. As James Wilson explained in the Pennsylvania ratification—

Mr. HYDE. The gentlelady's time has expired.

Ms. JACKSON LEE. May I have an additional 15 seconds?

Mr. HYDE. Yes, ma'am.

Ms. JACKSON LEE. In that convention, far from being above the laws, the President is amenable to them in his private character and his public character.

Finally, I say, as was indicated in the words of Martin Luther King, a legal scholar trained in injustice who said from the Birmingham jail, injustice anywhere is a threat to justice everywhere. Whatever attacks one directly affects all indirectly. I would simply say that truth matters, but in this instance, Mr. Chairman, the Constitution matters as well.

Mr. HYDE. I thank the gentlewoman.

I want to congratulate the members. They have been doing very well in keeping within the 5 minutes. It is the proposal of the Chair, intention of the Chair to proceed with all of the opening statements, and then have a short lunch break and then come back with the briefings by the respective counsel, just so you know where we are headed and can plan accordingly.

The Chair now recognizes the gentleman from Indiana, Mr. Buyer.

Mr. BUYER. Mr. Chairman, I think that the issue before us is very clear, and that is whether the Congress should continue to inquire about the conduct of the President to determine whether or not an impeachment is warranted.

I agree with Mr. Inglis of South Carolina. What is obvious here to everyone is that with the Democrat minority now offering an alternative, the issue here is about scope and its duration; that there is no question, it appears, by this committee that we should conduct the inquiry of impeachment. I think that is what is most noteworthy of this action today, by listening to the remarks of Mr. Conyers.

On a baseline question of whether we should proceed with an inquiry of impeachment, there is overwhelmingly bipartisan support on this committee. We may disagree about the details on scope or time, but what is important for the American people to listen here is that there is overwhelming bipartisan support to conduct the inquiry of impeachment.

The Office of the President of the United States is one in which is reposed a special trust with the American people. Due to his position and powers of his office, any President is entitled to the benefit of the doubt. The President takes an oath to see that the laws are faithfully executed.

If the President as the chief law enforcement officer of the land violates the special trust by using the powers of his high office to

impede, delay, conceal evidence in or obstruct lawsuits, investigations of wrongdoing, could that not be subversive to the constitutional government, doing great prejudice to the cause of law and justice, thus bringing injury to the people of the United States?

Many might argue that the Starr report is sufficient on its face for Congress to determine its course of action. I would respectfully disagree with this assessment. The Judge Starr report and other aspects raise troubling questions that Congress needs to address.

Every citizen is entitled to equal access to justice. Everyone is entitled to a day in court. The courts are not for the rich and the well-connected. Neither are the courts to be manipulated by the powerful, no matter who they are in our country.

Paula Jones was seeking her day in court as a victim of an alleged sexual harassment in violation of Title VII of the Civil Rights Act. The Starr report has raised allegations that the President may have lied, conspired to hide evidence, suborned perjury in an effort to deny Ms. Jones her due process right, her day in court. If the President as the chief law enforcement officer of the land deceives the courts, could that not be subversive to the constitutional government, doing great prejudice to the cause of law and justice, thus bringing injury to the American people?

I also have concerns related to the President's role as Commander in Chief. The United States Constitution, Article I, Section 8: The Congress shall have the power to raise and support the armies, provide and maintain the Navy, make rules for the government and regulation of the land and naval forces. I, as chairman of the Personnel Subcommittee of the National Security Committee, am detailed with the oversight function to do just that.

America was appalled not long ago when they heard of incidents of sexual misconduct regarding Aberdeen Proving Grounds, Fort Jackson, Fort Leonard Wood, where drill sergeants were having consensual relations with trainees. And, rightfully so, the American people and Members of Congress were outraged by these drill sergeants. You see, these drill sergeants, even though they had consensual relations, by virtue of the power relationship, superior to subordinate, the court martials ruled that they could not have been consensual and the drill sergeants went to prison on rape.

Under the Goldwater-Nichols Act, which sets forth the national command authority, it runs from the President as Commander in Chief to the Secretary of Defense to the Chairman of the Joint Chiefs of Staff, all the way to a lowly recruit. In the enforcement of these rules, I am charged to eliminate real and perceived double standards in the enforcement of laws and regulations that pertain to sexual misconduct, sexual harassment and fraternization in the United States military.

Is it worthy of our inquiry to consider it a misdemeanor in office that the President, while acting in his role as Commander in Chief of the military, it is alleged that he was on the telephone with a subcommittee chairman of the Appropriations Committee discussing sending troops to Bosnia when he had a subordinate perform a sex act upon him? The discussion and decision of sending American sons and daughters abroad into harm's way is very, very serious.

While I recognize that the Uniform Code of Military Justice does not apply to the President, clearly his conduct at a minimum would be unbecoming of an officer and a gentleman. In the military even a consensual relationship between a superior and a subordinate is unacceptable behavior, prejudicial to good order and discipline. Should we ask the members of the armed forces——

Mr. HYDE. The gentleman's time has expired.

Mr. BUYER. May I conclude?

Mr. HYDE. You may have 15 seconds.

Mr. BUYER. Should we ask the members of the armed forces to accept a code of conduct that is higher for troops than for the Commander in Chief? Should we accept a double standard, one for the President and one for others?

There are many questions that are left to be asked in this inquiry, Mr. Chairman. The objective of the committee should be as torch bearers. The light of truth should never be feared.

Mr. HYDE. The gentlewoman from California, Ms. Waters.

Ms. WATERS. Thank you, Mr. Chairman. I would to thank you and our ranking member. As policymakers, we find ourselves in the difficult and sad position of deciding whether or not we should proceed with an inquiry to impeach the President of the United States. We are being asked to do this before we define what constitutes an impeachable offense.

However, before this body advances towards an impeachment inquiry, let us consider this. Increasingly, Americans are suspicious of their government and our ability to be fair. I truly believe Americans want us to be fair. As chair of the Congressional Black Caucus, we have insisted on making fairness the top priority from the moment the Office of the Independent Counsel delivered the September 9, 1998, referral to the House of Representatives.

The members of the Congressional Black Caucus have assigned ourselves the role of fairness cop because our history demands we must be the best advocates for ensuring that this process recognizes the rights of everyone involved. African Americans feel strongly about the issue of fairness, because we have had to fight hard for fairness in the criminal justice system. Democracy is threatened when a fair legal process is sacrificed to appease the passions of a few.

After all the pontificating, posturing, and debating, let us think about what is happening to the rights of individuals. Let us take a look at the actions of the Independent Counsel, who appears to be gathering evidence by any means necessary.

How would you feel if your daughter or your son was apprehended without an arrest warrant, held for 10 hours, discouraged from calling legal counsel, mocked for wanting to talk with you as a parent, lied to, misled, frightened, and pressured to be wired to entrap the President of the United States?

Further, we must be concerned about the manner in which Ken Starr recklessly sought his evidence in working with Linda Tripp. It appears that Ken Starr offered to assist Linda Tripp to avoid indictment by calling the Maryland authorities on her behalf. Even though he knew she had committed a felony, he further wired her and sent her back to tape Monica Lewinsky so that he could get





For some of my colleagues in this Congress, the issue simply boils down to the separation of the President's private life as opposed to his work as Chief Executive Officer of our Nation. But if that were the case, we would not be looking into the allegations of wrongdoing brought to us by an Independent Counsel appointed by a three-judge panel and supervised by the Attorney General.

This is not a matter of private affairs, nor is it a question of infidelity between the President and his wife. This is also not about politics or polls. It is not about the economy. It is not about who is going to get more Democrats or Republicans elected in November, or even the possibility of a President Gore. No. This is about seeking the truth.

At the end of the day, we may or may not achieve a bipartisan work product, but many of us on this committee can assure the public that it will be done in a nonpartisan fashion.

My experience, as one of three former Federal prosecutors on this panel, has taught me that some matters cannot be rushed to judgment. Justice cannot be rushed, and we should not make arbitrary timetables on such an important task as this. This, in fact, was a concept that was thoroughly rejected three times during the Rodino hearings of 1974.

We must work as a committee to preserve the integrity of that third branch of government, the judiciary. We must also set an example that truth is what we seek, and lying, especially under oath, is not permissible.

We have impeached judges for similar offenses. There are Americans that are even in jail today for such offenses. We cannot simply ignore that portion of the rule of law which states that no man is above the law. The American people deserve more, and we as a Judiciary Committee and ultimately as a Congress, must and shall resolve this matter in a fair, nonpartisan, and expeditious manner.

Mr. HYDE. I thank the gentleman.

The distinguished gentleman from Massachusetts, Mr. Meehan.

Mr. MEEHAN. Thank you, Mr. Chairman. I want to express my appreciation for your willingness to accommodate the minority on the issue of subpoena power and committee rules. Though there will be many deviations from bipartisanship today, I hope that we can build upon whatever consensus does exist and eventually proceed in a fully bipartisan manner.

Mr. Chairman, three fundamental facts frame the challenge that this committee faces today. The first fact is that the President's behavior was wrong. He had an adulterous relationship with a White House employee half his age. He then misled the American people about the nature of that relationship and engaged in a dangerous game of verbal "Twister" in his sworn testimony.

The second fact confronting us is that not all wrongdoing amounts to treason, bribery, or other high crimes and misdemeanors. The Founding Fathers set the threshold for removing a President at a high level to prevent Congress from easily reversing the express will of the people.

Finally, the third fact with which we must come to terms is the cost an extensive inquiry into the President's relationship with Monica Lewinsky will impose on our Nation. Indeed, a full-scale ex-



tended impeachment inquiry will come at a steep cost to our country.

The members of this committee should weigh these costs before voting for an endless impeachment inquiry, including the cost of the public discussion in our country. People are having x-rated conversations with our children at kitchen tables all across America, conversations they do not want to have. We already need V-chips to prevent our children from watching the evening news or reading newspapers, two things we used to encourage children to do.

The cost to the institution of the presidency. Future Presidents will be saddled with the dangerous precedents that this committee has set and will set today. Meanwhile, the courts have already eroded presidential power in ways that both liberal and conservative legal experts find alarming. No one has heeded Justice Holmes' time-honored warning that the so-called great cases make for bad law.

The cost to America's global leadership. At a time when the world faces unprecedented economic and political upheaval, erratic international financial markets, terrorism, and bloodshed around the world, Americans want us to address the issues that affect their everyday lives and the lives of their children.

Yet calls for action on these fronts have not made it even close to the headlines of the papers across America, which seem instead to be reserved for the detail of the day about Monica and Bill.

Given these facts, our responsibility is clear. We must conduct an inquiry that is thoughtful and fair. And we must ensure that this inquiry does not drag on any longer than is necessary to sanction the President in a manner commensurate with the seriousness of his wrongdoing.

It means the committee should first ascertain reasonably specific constitutional standards for impeachment, and then ask ourselves whether Ken Starr's best case against the President surpasses or falls short of that instead. If we fail to ask ourselves this fundamental question at the beginning of our inquiry, we have failed the American people.

Prolonging an investigation that inflicts daily damage to our country, where the Independent Counsel's case on its face fell short of high crimes and misdemeanors, would be a wholesale abdication of our responsibility to pursue the public interest.

The minority alternative before the committee would address threshold issues first, where they should be addressed. The minority resolution also imposes reasonable time limits for our examination of the President's conduct on the Lewinsky matter. The reality is that the committee already has all the evidence it needs to resolve the Lewinsky matter. In fact, the American people know more than they ever needed or wanted to know about this tawdry affair.

Leaving the time and scope of this inquiry open-ended is certain to permit excursions into far-flung matters on which we have not even received a single page from this Independent Counsel. It is not in our country's best interest to have this committee be a stage for revivals of Dan Burton's and Al D'Amato's performances of the past few years.

Mr. Chairman, we have heard a lot about the Watergate precedent. Individuals who have served on this committee in 1994, like

Peter Rodino, Caldwell Butler, and Bill Cohen, knew their responsibility was not to make a case against the man but, rather, to analyze facts and the law with a neutral eye and do what was best for our country.

As the committee moves forward, I can only hope that we reverse the present course and put the national interest ahead of partisan interest. Thank you, Mr. Chairman.

Mr. HYDE. I thank the gentleman.

The distinguished gentleman from Ohio, Mr. Chabot.

Mr. CHABOT. I thank the Chairman.

I, like most of my colleagues and, I suspect, most of the American people, would prefer that the President's actions did not force this hearing today. Regardless of how this committee and this Congress chooses to dispose of this serious matter, the Nation will have paid a dear price.

The office of the presidency has been demeaned. The standards of public morality and decency have been diminished. And the American people have been forced to endure a painful process that could have been avoided.

We must determine today if the evidence before us warrants further investigation. We do not sit in judgment. Our role is not to convict or punish or sentence, it is only to seek the truth. To fulfill our constitutional duty, we must determine if the evidence presented to date strongly suggests wrongdoing by the President, and if the alleged wrongdoing likely rises to the level of an impeachable offense; that is, a high crime or misdemeanor.

Let me turn to the facts and the law on these two important issues. The materials submitted by the Independent Counsel have been the subject of intense public scrutiny and debate. What has emerged is the simple fact that, for whatever reason, it appears that the President was not truthful in giving testimony in a civil case, and in all likelihood, he was not truthful in subsequent testimony to a grand jury. Few have denied these conclusions.

Those who would urge an end to this inquiry before it even starts frequently argue that impeachable offenses are only those which result in an "injury to the state." They contend that perjury, or at least perjury relating to sexual matters in a civil action that was subsequently dismissed, results only in an injury to a private litigant and is not impeachable.

That argument is wrong. It is a misstatement of the historic record. Since this is so important in determining whether President Clinton may have committed an impeachable offense, I am going to devote the balance of my opening statement to just that issue.

Perjury has long been considered a crime against the state. By committing perjury, a person has interfered with the administration of justice. In 1890 the Supreme Court said, in *Thomas v. Loney*, that, and I quote, "Perjury . . . is an offense against the public justice of the United States. . . ."

The U.S. Court of Appeals expressed similar sentiments in *United States v. Manfredonia*. When referring to perjury the Court stated, "It is for wrong done to courts and administration of justice that punishment is given, not for effect that any particular testimony might have on the outcome of any given trial."

As a crime against the state, perjury was directly described as a high misdemeanor at its inception in 15th century England. The high misdemeanor description of perjury is significant. While considered a serious offense, perjury was not labeled a felony because the common law courts would have commanded exclusive jurisdiction. Instead, perjury was classified as a "high misdemeanor."

In *Hourie v. State*, the Maryland Supreme Court gives us an historic perspective on what it called the "high misdemeanor of perjury." The court said that, "The phrase 'high misdemeanor' connoted a new crime that was just as grave, in terms of its social consequences and in terms of its potential punishment, as the more ancient felonies themselves."

When State governments were first being established in the early days of the American Republic, perjury also was regularly listed in their constitutions as a "high crime or misdemeanor," or some very similar phrase.

The Kentucky Constitution, ratified in 1792, for example, stated that, "Laws shall be made to exclude from suffrage, those who shall thereafter be convicted of bribery, perjury, forgery, or other high crimes or misdemeanors."

The House and Senate have impeached Federal judges for perjury. Strong evidence exists that President Clinton may have committed perjury, and the historic record clearly demonstrates that perjury can be an impeachable offense.

Based on the facts and the law, I have concluded that this committee has a constitutional duty to proceed to a formal impeachment inquiry. It is my sincere hope that we can proceed and work together in a bipartisan fashion to complete this task as expeditiously as possible, and do what is in the best interests of our country.

Mr. HYDE. The gentleman's time has expired.

The distinguished gentleman from Massachusetts, Mr. Delahunt.

Mr. DELAHUNT. Thank you, Mr. Chairman.

Many references have been made today to the conduct of the President. The issue before us today is not just about the conduct of the President. The real issue, the overriding issue, is how this committee will fulfill its own responsibilities at a moment of extraordinary constitutional significance.

Some 3 weeks ago the Independent Counsel, Mr. Starr, referred information to Congress that he alleged may constitute grounds for impeaching the President. But it is not the Independent Counsel who is charged by the Constitution to determine whether to initiate an impeachment proceeding. That is our mandate. He is not our agent, and we cannot allow his judgments to be substituted for our own, or we will fail in our constitutional responsibility.

I am profoundly disturbed at the thought that this committee would base its determination solely on the Starr referral. Never before in our history has the House proceeded with a presidential impeachment inquiry premised exclusively on the raw allegations of a single prosecutor, nor should it now.

It is the committee's responsibility to conduct our own preliminary review to determine whether the information from the Independent Counsel is sufficient to warrant a full-blown investigation, and we have not done that. If we abdicate that responsibility, we

will turn the independent counsel statute into a political weapon with an automatic trigger aimed at every future President, and in the process, we will have turned the United States Congress into a rubber stamp. Just as we did when we rushed to release Mr. Starr's narrative within hours of its receipt, before even this committee or the President's counsel had any opportunity to examine it; just as we did when we released thousands of pages of secret grand jury testimony before either this committee or the President's counsel had an opportunity to examine it, putting at risk individual constitutional rights, jeopardizing future possible prosecutions, and subverting the grand jury system itself by allowing it to be misused for a political purpose. Just as we are about to do again by launching an inquiry when no Member of Congress, even now, has had sufficient time to read, much less analyze, all of the Starr referral.

For all I know, there may be grounds for an inquiry. But before the committee authorizes proceedings that will further traumatize the Nation and distract us from the people's business, we must satisfy ourselves that there is probable cause to recommend an inquiry.

That is precisely what the House instructed us to do. The chairman of the Rules Committee himself anticipated that we might return the following week, and I am quoting, "to secure additional procedural or investigative authorities to adequately review this communication." Yet the committee never sought those additional authorities. Apparently we had no intention of really reviewing and examining the communication.

That is the difference between the two resolutions before us today. The majority version permits no independent assessment by the committee, and asks us, instead, to accept the referral purely on faith. Our alternative ensures that there is a process, one that is orderly, deliberative, and expeditious, for determining whether the referral is a sound basis for an inquiry. If we adopt this approach, I am confident that the American people will embrace our conclusions, whatever they may be.

I yield back.

Mr. HYDE. I thank the gentleman.

The distinguished gentleman from Georgia, Mr. Barr.

Mr. BARR. Thank you, Mr. Chairman.

Mr. Chairman and all Americans, imagine a place where a dictator, a king, a prime minister, or a President could walk into your home at any time and force you to accede to any demand, however unreasonable. Throughout history, including 18th century Britain, such regimes have been the norm.

The system of rule by law under which we live stands as a stark exception to an historically prevalent notion that a ruler can take whatever he wants, whenever he wants, and from any subject. As we so quickly, however, forget in times of stability and prosperity, our system is a fragile one, a brief flicker of light in an otherwise dark march of human political history.

If we drop our guard, even for a moment, and allow a President to demand citizens to gratify his personal desires, and let him place himself in the way of laws designed to protect or to prevent such conduct, that light will be greatly dimmed, if not snuffed out.

Our Founding Fathers understood the importance of restraining unbridled power because they grew up in a system that did not. The Constitution includes explicit provisions that protect us from the abuse of power, including provisions to prevent us from being forced to quarter soldiers, to stop the government from imprisoning us without cause, and to protect us from involuntary servitude.

The facts of the case before us are not complex. Bill Clinton, first as Governor and then as President, using power entrusted to him, coarsely demanded personal favors from individual citizens. When one of those citizens refused, our Supreme Court voted unanimously to allow her access to the courts.

Yet, instead of apologizing, Bill Clinton continued to abuse his office, to smear that citizen's name, and block her access to justice. Instead of telling the truth to the court and the grand jury, the President lied. Instead of cooperating with the court, he obstructed its efforts. At this very moment, government and private employees are working under his direct orders to block this committee's efforts.

We are witnessing nothing less than the symptoms of a cancer on the American presidency. If we fail to remove it, it will expand to destroy the principles that matter most to all of us.

Any system of government can choose to perpetuate virtue or vice. If this President is allowed to use the presidency to gratify his personal desires in the same way a corrupt county or parish boss solicits money for votes, future occupants will, sadly, do the same.

If the proposition that perjury is sometimes acceptable and is allowed to stand, in the blink of an eye it will become acceptable in every case. Such a precedent would hang forever as an albatross around the neck of our judicial system.

If we stand by while the President obstructs justice and destroys his enemies, our entire government will be contaminated with cynical disdain.

The President of the United States controls at his fingertips the greatest arsenal of destructive power ever assembled in human history, just as the Governor of a State controls the State's police power. He has the ability to destroy one life or billions. He is the single individual charged with the constitutional duty of faithfully enforcing the laws, all the laws of the United States.

When evidence emerges that he would abuse that power or fail in that duty, it is a matter of gravest constitutional importance. If we fail to address such charges, we will soon be left standing dazed and befuddled among the smoldering ruins of a great democracy. We will count the cost of choosing temporal stability over permanent justice, and policies over principle, in diminished freedoms, lost policies, lost lives, and ruined institutions.

History is littered with the wreckage of nations whose leaders bury their heads in the sand as adversity appears on the horizon. America in 1998 must not suffer the same fate. In America we have a right not to be tapped on the shoulder and escorted to a room where a mayor, a Governor, a President, or someone with absolute power mistreats us.

When such conduct occurs, it is the right of any citizen to seek ultimate redress in the one, the only, forum designed for that pur-

pose, where each of us is on a level playing field with any other—our courts, the ultimate equalizer in our system of government.

Mr. Chairman, I also would say that anyone who has made it their goal to hide the truth, obstruct this process today, or use it for political gain, should summon up whatever tattered remains of honor they have left, stand up, and walk out of this room, and taking with them such erroneous arguments as that the need to include graphic detail in the Starr referral was based on whim rather than the need to rebut the President's sorry attempt to deny reality and common sense alike.

Mr. Chairman, imagine if all the journalists, lawyers, and staff who fill this room today disappeared. Imagine if they were replaced with the faces of all the great American heroes who have come before us, the patriots who pledged their lives, fortunes, and sacred honor to create our Republic, the men who gathered in Philadelphia 211 years ago to solidify that with the Constitution.

Mr. HYDE. The gentleman's time has expired.

Mr. BARR. I would ask 15 additional seconds.

Mr. HYDE. The gentleman is recognized for 15 additional seconds.

Mr. BARR. The men who gathered in Philadelphia 211 years ago to solidify that with the Constitution, the young soldiers who bled to death on foreign shores to protect it, the prosecutors who put their lives on the line to enforce its laws, every teacher who has led her class in reciting the Pledge of Allegiance, could anyone look into the faces of those people and tell them it really doesn't matter that the President abused his power, lied to the American people, perjured himself, and subverted the rule of law? Anyone who can answer yes to that question does not have the right to sit here today.

Mr. HYDE. The gentleman's time has again expired.

The distinguished gentleman from Florida, Mr. Wexler.

Mr. WEXLER. Mr. Chairman, many of our colleagues have referred to our role here today as the most important work a Member of Congress can perform. I sincerely hope not. This may be the most attention that this committee will ever receive. This may be the biggest news story in which we will ever play a part. But, God help the Nation if this is the most important work we will ever do in Congress.

Our work today is not about providing health insurance for more Americans, it is not about peace in the Middle East, or ending genocide in Kosovo. It is not about saving Social Security, reducing class sizes for our children, or approving the quality of life for even one single American.

I am not proud of what we are doing here today, and I would like to tell you why. I am not proud of the personal conduct of the President that has cheapened our national discourse, confused our children, disillusioned our idealists, and empowered our cynics.

While I am very proud of this President's accomplishments, I am not proud of his lapses in moral judgment.

I am not proud of this prosecutor, Kenneth Starr, who has turned government in upon himself, distorted our system of justice in a politically-inspired witch hunt that rivals McCarthyism in its sinister purpose, that asks mothers to betray daughters, Secret

Service officers to betray their highest charge, and lawyers to betray their clients, dead or alive, all in search of a crime to justify 5 years of work and more than \$40 million of taxpayers' money.

I am not proud of the political attack culture in Washington that stops at nothing to destroy the lives of public servants, and spawns the likes of Linda Tripp, whose concept of friendship I would not wish on my worst enemy.

Nor am I proud of those in the media, who have fueled this indecent explosion and left objective journalism in its wake.

Now, I would like to tell you what I am proud of. I am proud of this document, the Constitution of the United States of America. I am proud of the Founding Fathers who authored it and envisioned a standard for removing a President high enough to prevent it from ever being used for political purposes to overturn the will of the people.

In the words of Alexander Hamilton, George Mason, and James Madison, a President shall be impeached for treason, bribery, or other high crimes and misdemeanors. Make no mistake about it, "or other high crimes and misdemeanors" means only those offenses that have the gravity and impact of treason and bribery.

I am proud of the millions of Americans who have sifted through mounds of disturbing material to reach the commonsense conclusion that this behavior does not rise to the level of an impeachable offense and have asked us in a loud and clear voice to move on to the Nation's real business.

I am also proud of the basic decency of the American people, who intuitively understand that morality is a complex equation, that good people sometimes do bad things, that moral people sometimes commit immoral acts. None of us should be defined only by our mistakes.

Finally, impeachment is not about adultery. It is rooted in a constitutional standard that has met the test of time. It is about subversion of government. The President had an affair. He lied about it. He didn't want anyone to know about it.

Does anyone reasonably believe that this amounts to subversion of government? Does anyone reasonably believe that this is what the Founding Fathers were talking about? For more than 200 years, since that convention in Philadelphia, Congress has never, never removed a President from office. Is this where we want to set the bar for future Presidents?

I plead with this committee to end this nonsense. We have real work to do for the people who sent us.

Thank you, Mr. Chairman, for your indulgence.

Mr. HYDE. I thank the gentleman. I think I am supposed to admonish you against spontaneous demonstrations, but we will waive that perquisite of the Chair.

The distinguished gentleman from Tennessee, Mr. Jenkins.

Mr. JENKINS. Thank you, Mr. Chairman.

Mr. Chairman, I recently visited Gettysburg, Pennsylvania. I went to see again the battlefield there and the cemetery, and to stand near the spot where President Lincoln delivered the Gettysburg Address. That place, in my mind, brings thoughts of hardship and sacrifice and courage and suffering and death on both sides of

that great conflict. Our Nation survived that ordeal that divided us, and in time we grew strong as a result of it.

Today this committee begins an undertaking with the potential to again divide our Nation. We should resolve at the beginning, and as long as it lasts, that our thoughts must be about our Nation and its well-being. If what we ultimately discover justifies it, the Congress should have no hesitation to say, shame upon anybody who would defile our Nation, proceed to a judgment, and hasten to administer the constitutional punishment provided.

Under our system of government, every individual is important. All are entitled to fairness, but none is more important than any other, and that includes the President of the United States.

If the evidence shows offenses that require action, we should have the courage, without fear or favor, without submission to threats or intimidation, to do our duty. If none are shown, we should abandon these efforts and proceed with the serious and important business of our Nation.

In my mind, the task, although painful, is simple. We are bound by the Constitution and the laws. We have information, we have evidence, and we have recent precedents. These are ingredients that make up all the trials that have been conducted in the courts of our land for as long as we have been a Nation.

The object of every trial is to learn the truth and to render justice. Our role today, and it has been said many times in this hearing, is elementary. It is much like a preliminary hearing. It is to determine if we should recommend to the House of Representatives whether an inquiry should take place. The burden required for this is far less than will be required at other stages, if any, of this proceeding.

I hope to be fair, I hope to be impartial, I hope to be nonpartisan, I hope to follow the Constitution, I hope to follow the law, and I certainly will study the evidence carefully. I will be mindful, in all of these deliberations, of the memories of those who suffered and died and were left at Gettysburg and in all our Nation's conflicts, because it is those soldiers who have afforded us throughout history the privilege to engage in self-government.

Today we are engaging in self-government. To them and to every American citizen, we owe the courage to do the duty that has been thrust upon us.

Thank you, Mr. Chairman.

Mr. HYDE. I thank you, Mr. Jenkins.

The distinguished gentleman from New Jersey, Mr. Rothman.

Mr. ROTHMAN. Thank you, Mr. Chairman.

Over the past several weeks I have had a rare opportunity. It has been the opportunity to step into history and to try to learn from one of those who has set the standard for American fairness, and fairness for the Judiciary Committee, the former chairman of this committee, New Jersey's Congressman Peter Rodino.

Over the past several weeks, we have talked on the telephone for hours. Last Thursday I had the great privilege of meeting him in his Newark office. I must say, I walked out of his office with an even greater awareness of our shared commitment to our constitutional form of government and how the decisions this committee will make must be made without partisanship.



After a 4-year investigation, the Independent Counsel, Mr. Starr, has presented the House with 11 allegations of presidential misconduct. Our goal should be to resolve these 11 charges without further delay. However, I will not give my consent to another blank-check, open-ended investigation of the President. That is not the role of our committee. It is not fair to the President, it is not fair to the country, and it is not in our national interest.

If Mr. Starr has more charges, let him bring them forth now, or else we should resolve these Lewinsky charges before the end of this year. President Clinton engaged in a morally wrong relationship with Ms. Lewinsky and engaged in highly inappropriate conduct in trying to hide that relationship. He must be given an appropriate punishment that fits his offenses.

But the questions for our committee and the Nation are two: What is the constitutional import of the President's misconduct? And, number two, what is the most appropriate punishment for the President's actions?

No one wants to be partisan. Democrats, Independents, and Republicans want any inquiry into these matters to proceed fairly. I hope that as we vote on the motions of today and tomorrow, and as we conduct ourselves in the future, we will remember and be guided by the words Chairman Rodino spoke in this very room some 24 years ago: "Our own public trust, our own commitment to the Constitution, is being put to the test. Let us leave the Constitution unimpaired for our children as our predecessors left it to us."

Thank you, Mr. Chairman.

Mr. HYDE. Thank you, Mr. Rothman.

The distinguished gentleman from Arkansas, Mr. Hutchinson.

Mr. HUTCHINSON. Mr. Chairman, let me begin by reflecting back almost 25 years to a time in our history when young lawyers rose to positions of power in our Nation's Capital, lawyers with talent, intellect, and pedigrees from the best schools, lawyers such as Dean, Magruder, Liddy, Colson, all of whom wielded enormous power, but none who valued or respected the rule of law.

Those lawyers were influenced by a President: Richard Nixon. During that time I, like many Americans, judged their actions and found them wanting. I observed the national ordeal from afar. I was studying law at the University of Arkansas. As a student, it was drilled into me that lawyers should have the highest ethical standards, that we are officers of the court, that we have a high responsibility to seek the truth, and that we should never allow a fraud to be committed upon the court.

One of the brightest and most respected young law professors of that time was William Jefferson Clinton. The rule of the law was the mantra, and Watergate was the real-life case study.

I know many are saying this is not Watergate, and I agree. The facts are different. But are not the important questions the same? Is the rule of law less significant today than 25 years ago? Is unchecked perjury, if proven, less of a threat to our judicial system today than when Watergate was an example?

In my judgment, these are not insignificant questions that our committee and the American people must answer. I am always asked: "What do people in Arkansas say?" As Arkansans, we would just as soon change the subject; but we are first Americans, and

we know that as a country, if we ask the right questions and if we follow the Constitution, we will come to the right conclusion.

Today I want to assure my colleagues and my fellow Arkansans that I do not know the conclusion of this matter. I do not have all the answers, but in my judgment, the first step is clear; we must seek out those answers.

Based upon my own independent review of the evidence, it appears there exists reasonable cause to conduct a formal inquiry that is independent, that is fair, and leads to a speedy resolution.

Let me address some of the arguments I have heard this morning. First of all, some say "the President has admitted his error, let's move on." But we must remember, he has not admitted anything from a legal standpoint. He has denied legal wrongdoing. The Independent Counsel has submitted evidence that the President committed perjury, tampered with witnesses, obstructed justice, and abused the power of his office. In responding, the President has done what every citizen is entitled to do. He has proclaimed his innocence and challenged the proof on each charge.

The denial on behalf of the President does not allow this committee to accept the charges as stated but, rather, formal hearings are necessary to weigh the evidence and to determine whether the proceedings should continue or whether impeachment is warranted.

I also hear, "This is just about sex, let us shut it down and go home." If the premise of that statement is correct, I agree. But when the President testified before the Federal grand jury last August, I recollect everyone was emphasizing to the President, "tell the truth." They were not encouraging him to lie. They were not saying, "Mr. President, it is only about sex, do not worry about it."

These are not questions posed by friends in the locker room, these are questions presented before citizens vested with the responsibility to enforce the criminal laws of our land. Truth was expected by the American public, truth was required by the law of our land, and truth was demanded by all who hold the presidency in high esteem.

Did the President tell the truth? He says yes. The Independent Counsel says no. Therefore it is necessary that we inquire further.

The cynics claim this is a partisan struggle. Let me assure you that this is not about following a party, but it is about following the law and the Constitution, wherever that path may lead. It is not about which party has the votes, but it is about which position is closest to the concept of justice, equity, and historical precedents. Partisan loyalties must be checked at the door of this great institution we all serve. Now we must abide by our oath of office.

The Constitution gives us the standard to follow. We cannot define impeachable offenses to a greater degree than the language of the Constitution, but we all agree the issue is the public trust. Our duty is not to punish anyone and our challenge is to avoid pettiness, but our goal should certainly be to determine whether a breach of the public trust has occurred and, if so, how best to repair it.

As the prophet Nehemiah devoted his life to rebuilding the wall around Jerusalem in times of old, so let this committee commit itself to maintaining the wall of public trust in our society today.

Thank you, I yield back.

Mr. HYDE. I thank the gentleman.

The distinguished gentleman from Wisconsin, Mr. Barrett.

Mr. BARRETT. Thank you, Mr. Chairman. This is my first public hearing as the newest member of this committee, Mr. Chairman, and I am honored to serve on this committee under your leadership and the leadership of Mr. Conyers.

Like the other members of this committee, I recognize the seriousness of the job before us. We must seek the truth. I also recognize that the American people expect us, in fact demand from us, that we do our job not as Democrats or Republicans, but as Americans, because ultimately what is at stake here is not Bill Clinton, but what is at stake is the future of the office of the presidency and its relationship with the Congress and the American people.

When I first entered this hearing room only 2 weeks ago, that is how I honestly expected we would operate, simply as Americans. Of course, I recognized that we all came here either as Democrats or Republicans, but I sincerely believed that we would rise above that, that we would leave our partisan coats at the door and conduct these proceedings as 37 independent American jurors.

I was wrong. I am convinced that every decision pertaining to the release of documents was made before any of us ever entered this room. I believe that decision was based on the perceived impact that that release would have, not only on President Clinton, but also on the congressional elections only 4 weeks from now.

That is wrong, too. Our decision should not be based on partisan advantage; our decision should be based on what is right for our country. I have been disappointed, Mr. Chairman, but I am an optimist. I believe that we can work together, that we must work together if our work is to have any credibility.

Many comparisons have been made between Watergate and the issues before us. Some of those comparisons are valid, some are not. But even more instructive to our role, I believe, are the recent comments of Gerald Ford and Jimmy Carter, the two national leaders most responsible for helping this country move beyond the Watergate nightmare.

Jimmy Carter had a strong message. He criticized President Clinton for his actions and for not being truthful, a sober reminder that the President of the United States must provide moral leadership. Gerald Ford had an equally strong message. He stated, "The time has come to pause and consider the long-term consequences of removing this President from office based on the evidence at hand."

He has not called for impeachment but, instead, suggests that a public rebuke in the well of the House would be a fair and appropriate resolution, commensurate with the offenses of President Clinton. Gerald Ford's concern is for our country and the damage to the institution of the President, not Bill Clinton. The comments of our two former Presidents provide a framework to move forward. President Clinton's conduct was wrong and he must be held accountable, but it would hurt our country in the long run to drag this matter out endlessly.

It is time, Mr. Chairman, therefore, for a focused and fair inquiry. There must be finality to this process. For if there is one common thread tying the views of virtually every American to-

gether, it is this: The time has come to put this chapter of our history behind us, and move on to the matters that affect the lives of citizens throughout our country. Let us do it, Mr. Chairman.

I yield back the balance of my time.

Mr. HYDE. I thank the gentleman.

The gentleman from Indiana, Mr. Pease.

Mr. PEASE. Thank you, Mr. Chairman.

Today we address a subject which I suspect no member of the committee wishes were before us: whether to begin an inquiry of impeachment against the President of the United States. No matter what we may think regarding the actions of the President or the many others who have been much in the news these past months, it is not a good thing for the Nation that we find ourselves in the situation we now face. The days ahead of us, no matter their outcome, will be trying for each of us, for this institution, for the President, for our people.

Yet, wishing it were otherwise will not make it so. For whatever reason, we are where we are, and it is our responsibility to make the best of it. Most of my thinking over the past month has been focused on how to do so.

As an undergraduate at Indiana University, I had the good fortune to study with one of the Nation's great political scientists, Dr. Charles Hyneman. My life was affected deeply by his course in political philosophy as we studied the great thinkers, from Plato to the present. Much of our time was spent on the British and American writers, Hobbes and Locke and Burke, Jefferson and Madison, and the collective Publius of the Federalist Papers.

I came to understand then, and believe even more firmly today, that the God-given freedoms which we enjoy are dependent on man-made mechanisms for their protection. In our system, those mechanisms are found in the Constitution and the laws adopted pursuant to the procedure it sets forth, and despite the temptation to trivialize procedure in the legal proceedings of the land or to complain about technicalities in process, a system of laws is at the heart of protecting the freedoms we cherish.

In that course with Professor Hyneman, though, we did more than talk, and write, and theorize. I remember well his announcement one day that we would begin our field work on Saturday, meeting at his home for breakfast and being out for the entire day. He gave us no details, and I remember thinking it odd that a philosophy course would be conducting field work, but since I was a freshman, I was dutifully present.

Two hours later, a half a dozen of us were scattered across the steps of the courthouse at Vevay, Indiana, the place where the local townspeople gathered on Saturday mornings to do the shopping and simply to talk about families and friends, about the ball game the night before, about the crops, about current events. We listened.

I think I learned from that experience, and many others like it since, what the common values are that we share as a people, what the things are that are important in the lives of everyday Americans, what they expect from themselves, their neighbors, and their government. Among them are these: that they love their country; that they understand the need for heroes, and hope that some of

them are in the Nation's leadership; that they believe that all people are entitled to be treated fairly; that their government will ensure both fairness and freedom.

As I have struggled with today's questions, I return to the things affirmed for me in the hills of southern Indiana years ago, and reinforced through the years since: an appreciation of the common sense and the values of the people I represent and an understanding of the absolute necessity of a process to protect liberty.

As a people, we share a heritage which provides a system for the determination of truth, where everyone who has an interest also has the opportunity to be heard. Our duty as members in the matter before us is to ensure that this heritage is sustained and enhanced here. It can only be so if we remain firm in our resolve to find the truth, no matter the political consequences. The Constitution provides our compass. I intend to follow it wherever it may take us.

I yield the balance of my time.

Mr. HYDE. I thank the gentleman very much.

The distinguished gentleman from Utah, Mr. Cannon.

Mr. CANNON. Thank you, Mr. Chairman. I would like to begin, first of all, by expressing my appreciation to you for the thoughtful manner in which you have handled this matter. I believe that Americans generally are recognizing the thoughtfulness of your attempts to meet the reasonable demands of the Democrats. I was pleased to see that the Washington Post and the New York Times have opined in support of your positions on even those difficult issues of scope and duration.

A few days ago, I held a town hall meeting in which Laurie Uppdike spoke of her two sons in the military. Paul is in the Navy and is stationed in Washington State. He has served on a ship in the Gulf. John is an Army marksman who is currently on his way to Russia and is then going to go to Bosnia.

She shed tears while she spoke of her sons, not because she isn't willing for them to risk all in the defense of freedom, as embodied in our Constitution and our American way of life. She, along with the 500 or so other people who packed the audience and gave her a standing ovation, is concerned that the sacrifices her sons have to make may be in support of decisions that have to do more with the President's will to retain power than with our national interest.

Laurie Updike's distrust of the President is a small insight into the gravity of what we are doing here today. It is the conduct of the President which has caused us to convene. This conduct has been decried in the most extreme terms by members of both parties. It deserves condemnation.

For instance, the President of the United States was apparently engaged with Monica Lewinsky while he was on the phone trying to commit Sonny Callahan, the chairman of the Foreign Operations Subcommittee of the Committee on Appropriations, to support his plans for Bosnia.

In addition, it appears a number of women have taken the position that they had not had a sexual relationship with the President, only to later acknowledge that they had. Are they now trying to enter some sort of exclusive club, or were they pressured earlier? Their reluctance and apparent shame suggests the latter.

What force may have been brought against them to influence their earlier decisions? Was that force derived from public office? Paula Jones had, she felt, a right to redress in the courts for sexual harassment. The President fought those claims but, in doing so, he appears to have lied. Can we allow those who disagree with our claims against them to lie in court?

Our debate is just beginning as to whether that conduct which these examples demonstrate is so reckless as to justify impeachment. Yet my colleagues on the other side are demanding, ad nauseum, a clear standard for what constitutes an impeachable offense.

[illegible][illegible][illegible][illegible]

After the argument, we must set aside the partisan drive and vote for the truth as we see it. Our duty is to assure that the President is not above the law as set out in the Constitution. We as a committee are sitting to judge, but, at the same time, we will also be judged. Historians, with the aid of hindsight, are often harsh; but our children will be our harshest critics. Our children and their children's children, they must know that we know the difference between right and wrong.

If we proceed unjustly, our colleagues will reject our determinations. If we urge drastic action, our rationale must be clear. If we judge rightly, we shall be honored. Thank you, Mr. Chairman.

[illegible][illegible]

First, for as long as this matter remains within our jurisdiction, I shall speak of it not as a Republican but as an American. To use or manipulate these proceedings for any partisan advantage would be a national tragedy of manifest proportions. In times like these, each of us is obliged to check our party affiliation at the door.

No member of this committee inherited their present responsibilities by swearing allegiance to any political party, to any President, or to any congressional leader. The common bond that connects us, each to the other, is our mutual oath of allegiance to the Constitution of the United States. We must view this oath with nothing short of reverence.

Second, I entered these proceedings with no fixed conclusions as to whether the President committed potentially impeachable offenses. As a former gang murder prosecutor and trial court judge, I believe the presumption of innocence is not a courtesy we grant to the President; it is his as a matter of right. He need not beg our leave to obtain it. Rather, we must passionately respect and defend it.

Third, despite some suggestion to the contrary, the purpose of this hearing is not for us to sit in moral judgment over the President's personal lifestyle. If this President, or any President, has engaged in marital indiscretions, this appropriately is the concern of a limited universe of people. It is the concern of his spouse, it is the concern of his family, it may well be the concern of those who entrusted him with high office. But it is not the concern of the House Judiciary Committee, nor is it the concern of the Congress of the United States. It is not our right or purpose to officially contemplate such matters in the abstract.

However, it is both our purpose and our legal obligation to review the President's alleged conduct within the framework of the rule of law, and whether such conduct violated his obligation to faithfully execute the law.

This is a very critical distinction, because up until now, the heritage of American jurisprudence has been that no person is above the law. Yet, despite the two centuries of tremendous sacrifice for this legacy, the ghosts of patriots past cannot compel us to maintain the standard that no person is above the law. Each generation ultimately makes that choice for itself.

Theodore Roosevelt understood this when he said that no man is above the law and no man is below it, nor do we ask any man's permission when we require him to obey it. His words are important because Roosevelt made no exception to this ideal for those who happen to share his party affiliation or his political agenda. Roosevelt knew the rule of law had to apply to all men or it would apply to no man.

President Kennedy echoed that sentiment shortly before his death, when he said that for one man to defy a law or court order he does not like is to invite us do the same. This leads to a breakdown of all justice. Some societies respect the rule of force. America respects the rule of law.

Mr. Chairman, as we now proceed, may our committee, our Congress, and our people heed the call of our heritage to respect the rule of law and to uphold the truth, no matter where it shall lead. In doing so, we will honor our constitutional duty, and we surely



will fulfill our ultimate obligations, both to conscience and to country. I yield back.

Mr. HYDE. I thank the gentleman.

The distinguished gentleman from South Carolina Mr. Graham.

Mr. GRAHAM. Thank you, Mr. Chairman. The good news is me and Mary Bono stand between now and lunch, and we will try to be short.

As we talk about history and how history will judge what we do, people are having to execute history. We are all tired. I am getting hungry. I want to get on with this. The public wants it over. The buzzing sound you may hear on your television is hopefully not me, but the spin machine is about to crank up here.

Both parties, on October 5, 1998, have come to this conclusion: They both have a resolution investigating the conduct of the President. That is good news. Some of the questions we may have to ask later on to get the truth are distasteful, at best; but the truth is, I have no clue what I am going to do yet. I can tell you that and look you in the eye and honestly mean it. I don't know if censure is appropriate, we should just drop it, or we should throw him out of office.

Nobody knows yet, in my opinion, who really has an open mind about this thing. Is this Watergate or Peyton Place? I don't know. Let me tell you, if I followed the polls, I know what I would do. In my district, people have no use for this President. None, zero, zip. Eighty-two percent of the people in one part of my district want to throw him out of office. If I followed the polls, I could sit up here and rant and rave and become Governor on it. I don't want to be Governor that way. I want to be a good Congressman, who 30 years from now, not just 30 days from now, people thought did the right thing.

The right thing is to take this seriously. Why are we here? We are here because some time ago in Arkansas, some young lady was summoned up to a room where the Governor of Arkansas allegedly dropped his pants and asked her to do some very disgusting things. I have no idea if that is true, but thank God I live in a country where that young lady can go to court.

If it had been a member of my family that had that happen to her, a lawsuit would have been the last thing that person would have had to worry about. This lady made a serious allegation. Her case was dismissed, and that shows you maybe the rule of law works even for the powerful.

But why are we here today? Somewhere between that room in Arkansas and October 5th, something happened. They called the President in to a deposition, because a lot of times in sexual harassment lawsuits, the conduct is behind closed doors with just the man and the woman, and it is who do you believe. That happens more times than not in sexual harassment lawsuits. So in this country, the litigant is allowed to look at the person and their activity and their behavior.

That is exactly what was going on in the Paula Jones lawsuit: Does the President have a pattern of conduct of approaching people that work for him and soliciting sex, mildly or forcefully? The judge allowed that conduct to be investigated, and the President was



placed under oath in the Paula Jones case. Ms. Lewinsky comes up. That is why we are here today.

How would you like it if in your lawsuit, if you find out later on that he lied through his teeth about a member of your family, that the gifts that you wanted to prove were an essential part of the case wound up under the secretary's bed of the guy you are suing, that as soon as he leaves the deposition he goes back and he coaches the witness about what to say; and your government, after knowing all of that, said we are tired of it, let's quit? That is one scenario that may play itself out.

The other scenario is that this guy just has a problem, and he cannot control himself. It is about human failings, and censure is appropriate, and we do not need to turn the country upside down.

Nobody can tell me yet whether this is part of a criminal enterprise or a bunch of lies that build upon themselves based on not wanting to embarrass your family. If that is what it is, about an extramarital affair with an intern and that is it, I will not vote to impeach this President, no matter if 82 percent of the people at home want me to, because we will destroy this country.

If it is about a criminal enterprise where the operatives of the President at every turn confront witnesses against him in illegal ways, threaten people, extort them, if there is a secret police unit in this White House that goes after women or anybody else for this President, that is Richard Nixon times 10 and I will vote to impeach him.

Mr. HYDE. I thank the distinguished gentleman. The wedding feast at Cana, the good Lord saved the best wine until last; and in addition to following the Rodino format, we are following the wedding feast in Cana by having the best last: the gentlewoman from California, Mrs. Bono.

Mrs. BONO. This past year has been a very difficult time for our country, and it has been a very difficult time for me personally. For the past 9 months we have become increasingly consumed by this one issue, and it has wounded us as a people.

Finally, today we have the opportunity to begin the healing process that will put this issue behind us, and the truth will not get lost in the process. This is not about Republicans and it is not about Democrats. This is also not about sex. It is bigger than that. It is about the public trust. If the loss of trust is what fuels the cynicism of politicians, then this process is about restoring the fundamental trust that is so important to the country's conscience.

People hope to point to the White House with pride. We believe that the President will tell the truth and set an example for our actions. We parents want our children to respect and admire our President and our leaders.

It is as simple as the old story of George Washington chopping down the cherry tree. These lessons have inspired my kids to dream about becoming the American President when they grow up—both my son and my daughter. I want my kids, I want all kids, to be able to have that dream.

Unfortunately the message that they are hearing today makes me lose faith that they will have that goal after all of this is done. That is how damaging this has been.

Our forefathers decided more than 200 years ago that we would no longer be under the rule of the king. Many paid the ultimate sacrifice in the name of that freedom. They wanted to have a President who would be held accountable for his behavior under the law. That is why we have the process that brings us here today.

I have avoided any prejudgment during this process, and I have focused on uncovering the truth. After all, that is what the American people hope for: the truth. We have grown all-too weary of the constant media frenzy that has surrounded this process. The people are tired of lawyers who try to cover up the truth with hyperlegal hair-splitting and clever rhetoric. We have grown weary of the political gamesmanship and perpetual spin because they obscure the facts.

The time has come for the American people to get the facts. It is time to get beyond the emotional reactions and allow ourselves to know the difference between a truth and a lie, or even between a true and a misleading statement. And I am certain that the American people will know the truth when they hear it. I am also certain that we are capable of handling the truth.

Over the past year, I learned a very valuable lesson from the most important people in the world to me, and they are my children. This year they taught me that from the deepest adversity there can be found a ray of hope. From that hope we can draw our strength.

So what can we do now that will make us better as a people? As a Nation, it is time to find that needed strength to endure a process that I hope will be fair. Our goal is to learn the truth. Perhaps the truth will mean that this process ends sooner rather than later. If at the end of the day we find it warrants further action, then we must proceed.

That is why I will listen closely with an open heart and an open mind to the upcoming presentations. Many important issues are raised by Judge Starr's report, and many new important questions may also surface. There are too many questions that need to be answered. I am at a loss to pick the right remedy to cure our national crisis, although several are suggested.

I believe the committee is taking the right path with this inquiry. But honestly, I would just like to know whether the President committed perjury. I would like to know whether he obstructed justice. I would like to know whether he abused power. I would like to know whether we are good enough as the Committee on the Judiciary to come together on this issue. But I do know that we are good enough as a country to work to get past this.

I also know that without this process, none of us will ever know the answers to these questions, and without these answers, our country cannot put this issue behind us. The time has come now for the healing process to begin. Thank you, Mr. Chairman.

Mr. HYDE. I thank the gentlelady.

The Chair would like to announce that we will adjourn, or recess, rather, for 45 minutes, until 1:15, when we will resume promptly, because we wish to finish this this afternoon.

I want to commend the committee. Both sides have done extremely well. It has been informative. If we can continue, we can

finish this this afternoon. So the committee stands in recess until 1:15.

[Whereupon, at 12:35 p.m., the committee recessed, to reconvene at 1:15 p.m., this same day.]

Mr. HYDE. The committee will come to order. Will the members take their seats, please?

The committee will now receive a presentation from Mr. David Schippers and Mr. Abbe Lowell for up to 1 hour each. The Chair does not intend to recognize members to direct questions to the staff during the briefing.

The Chair now recognizes for up to an hour, Mr. Schippers.

Mr. SCHIPPERS. Thank you, Mr. Chairman.

Mr. HYDE. Before you start, Mr. Schippers, Mr. Schumer can make the unanimous consent request.

Mr. SCHUMER. Mr. Chairman, I ask unanimous consent that this letter which—I guess, of September 25th from Kenneth Starr to you and Mr. Conyers be able to be used in this hearing—be considered—

Mr. HYDE. Be considered in open session, although it is appropriately executive session material. Without objection, so ordered.

[The information follows:]

OFFICE OF THE INDEPENDENT COUNSEL,  
Washington, DC, September 25, 1998.

**HAND DELIVERED**

Hon. HENRY J. HYDE, *Chairman,*  
*Committee on the Judiciary,*  
*2138 Rayburn House Office Building,*  
*Washington, DC.*

Hon. JOHN CONYERS, JR.,  
*Ranking Minority Member,*  
*Committee on the Judiciary,*  
*2138 Rayburn House Office Building,*  
*Washington, DC.*

DEAR CHAIRMAN HYDE AND REPRESENTATIVE CONYERS: In recent days various media and Members of congress have publicly commented on the propriety of this Office's actions in contacting Monica S. Lewinsky on January 16, 1998 at the Ritz-Carlton Hotel. At the time we submitted our Referral we viewed these questions as incidental and tangential. Nonetheless, the issue has now been raised publicly and appears to be on the substantiality and credibility of the information we provided to the House in our Referral.

The question of the propriety of our actions has already been litigated and resolved by Chief Judge Johnson. Because Congress may find this material germane to its inquiry, I am conveying to Congress the docketed filings in *In Re Grand Jury Proceedings* (D.D.C. Misc. No. 98-068) and the appeal of that ruling in *In Re Sealed Case* (D.C. Cir. Nos. 98-3052, 98-3053, 98-3059). the filings on the dockets are specified in the attachment to this letter. I call your particular attention to the pleadings and orders filed in the district Court between March 31, 1998, and April 28, 1998, which bear directly on the factual issue of the OIC's contact with Ms. Lewinsky on January 16.

Sincerely,

KENNETH W. STARR,  
*Independent Counsel.*

Mr. SCHUMER. Thank you.

Mr. HYDE. You bet.

Mr. Schippers.

Mr. SCHUMER. I will not let you put any other words in my mouth, Mr. Chairman. Not today, anyway.